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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 24, Issue 31
July 28, 2000

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ILLINOIS REGISTER

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EDITOR'S NOTE: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indices are as follows:

Issue 16 - April 14, 2000: Data Through March 31, 2000

Issue 29 - July 14, 2000: Data Through June 30, 2000

Issue 42 - October 13, 2000: Data Through September 30, 2000

Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Children's Accounts

2) Code Citation: 89 Ill. Adm. Code 353

- 3) Section Numbers: Proposed Action:
 353.1 Amend
 353.2 Amend
 353.3 Amend
 353.4 Amend
 353.5 Amend
 353.6 Amend
 353.7 Repeal
 353.8 Amend
 353.9 Amend

4) Statutory Authority: Children and Family Services Act [20 ILCS 505]

5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 353 as follows:

In Section 353.2, definitions of "Conserved funds" and "Dedicated account" have been added. In the definitions "Children's account" and "Restricted account" the term no-cost interest bearing account was added in order to clarify the type of account. Other clarifications have also been made in the definition of "Sound investment principles".

In Section 353.3, Establishment of Accounts, the language has been changed for clarification.

In Section 353.4, Restricted Accounts, the agreement with the Veterans Administration is no longer in place. Conditions for dedicated accounts are set.

In Section 353.5, Disbursements from Accounts, monies for children's services shall be made from the State appropriations and not from the children's accounts. The provision for medical payments from the children's accounts has been eliminated. In addition, quarterly reimbursements to the General Revenue Fund from the children's accounts have been changed to monthly reimbursements, and priority for reimbursements are established.

In Section 353.6, Account Termination, procedures are clarified for termination of a child's account.

Section 353.7, Payments of Benefits to Parents or Relatives, is being repealed since Section 353.6 explains that any balance left in the child's account is to be returned to the parent or guardian when the child's case is closed.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 353.8, Funeral and Burial Expenses, the limitations for funeral and burial expenses have been eliminated.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski
 Office of Child and Family Policy
 Department of Children and Family Services
 406 E. Monroe, Station #65
 Springfield, Illinois 62703-1498
 (217)524-1983 - TDD: (217)524-3715
 E-Mail: cfpolicy@dcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: The amendments adding new grounds for termination of parental rights were outlined in the January 2000 Regulatory Agenda.

The other amendments were not foreseen.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 353

CHILDREN'S ACCOUNTS

Section

353.1 Purpose

353.2 Definitions

353.3 Establishment of Accounts

353.4 Restricted Accounts

353.5 Disbursements from Accounts

353.6 Account Termination

353.7 Payment of Benefits to Parents or Relatives (Repealed)

353.8 Funeral and Burial Expenses

353.9 Safe-Keeping and Investment of Funds

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Probate Act of 1975 [755 ILCS 5].

SOURCE: Adopted and codified at 5 Ill. Reg. 7780, effective August 1, 1981; amended at 10 Ill. Reg. 1911, effective January 31, 1986; amended at 24 Ill. Reg. _____, effective _____.

Section 353.1 Purpose

The purpose of these rules is to explain how the Department administers ~~will~~ ~~administer~~ the financial accounts of monies received by the Department for children for whom the Department has legal responsibility.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 353.2 Definitions

"Board and care payments" includes payments for room, board, clothing, and a personal allowance. Refer to 89 Ill. Adm. Code 3597 (Authorized Child Care Payments) concerning establishment of payment rates.

"Child's account" means a no-cost, interest bearing ~~an~~ account established by the Department of Children and Family Services from ~~all~~ monies, public and private, received for a child for whom the Department has legal responsibility.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary ~~protective~~ custody, custody or guardianship via court order, or children whose parents

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

parent(s) have signed an adoptive surrender or voluntary placement agreement with the Department.

"Conserved funds" means the total amount of Social Security, Supplemental Security Income, Veterans', or Railroad Retirement benefits remaining in the child's account at the time the Department ceases to be the representative payee for the benefits.

"Dedicated account" means a no-cost, interest bearing account, established with a lump sum payment of retroactive Supplemental Security Income payments for a child under 18 years of age received from the Social Security Administration that exceeds 6 months of benefits at the current rate.

"Guardianship Administrator" means that person designated by the Director of the Department of Children and Family Services to serve as guardian or custodian of children accepted by the Department pursuant to the Juvenile Court Act of 1937 [705 ILCS 405/2-2] (1111-Rev-Stat: 1989-ch-347-pars-793-11-et-seq); AN-Act-creating--the--Department of the Children and Family Services Act-codifying-its-powers-and-duties--and-repealing-certain-Acts-and-Section-hereto-named [20 ILCS 505] (1111-Rev-Stat: 1989-ch-237-pars-5605-et-seq); the Abused and Neglected Child Reporting Act [325 ILCS 51] (1111-Rev-Stat: 1989-ch-237-pars-2051-et-seq) and AN-Act-in-relation-to-the-Adoption Act adoption-of-persons-and-to-repeat-an-Act-thereto-named [750 ILCS 50] (1111-Rev-Stat: 1989-ch-407-pars-1503-et-seq).

"Issuing agency" means the agency making benefit payments in a child's behalf to the Department of Children and Family Services.

"Restricted account" means a no-cost, interest bearing an account consisting of Veterans'-Administration-benefits-for-a-child-received before-October-1-1978-or-other funds being held by the Department of Children and Family Services for a child as the result of a court award, or an inheritance, insurance settlement, gifts, annuity payments, monies-accrued--from-minors--rights-payments or an out-of-court settlement. These accounts insurance-annuity-payments may be deemed restricted by the Department's Guardianship Administrator, or designee.

"Sound investment principles" means an investment plan for managing and investing assets that which is considered safe but also provides the opportunity for increased assets to accrue to a child's account, including but not limited to dedicated and restricted accounts.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 353.3 Establishment of Accounts

When a child for whom the Department has legal responsibility has been determined eligible for Veterans'-Benefits, Social Security Benefits, Supplemental Security Income, Veterans' Benefits, assistance allotments from the armed forces, court ordered payments, Railroad Retirement, Black Lung Benefits, parental voluntary payments, Supplemental Security Income, Railroad Retirement, Black Lung Benefits or other miscellaneous payments, the Department shall set up and administer a child's account, an account-for-the-child.

a) Receipts
The Department shall account for monies received on behalf of for each child, and shall maintain records detailing the source and amount of funds received, and the records shall detail the source and amount of the funds. Checks shall be made payable to the Guardianship Administrator as guardian on the child's behalf.

b) Disbursements
The Department shall make disbursements consistent with applicable laws and shall be responsible for keeping complete records of disbursements from each child's account for any purpose. Individual ledgers shall detail the source from which payments are being made. Board and care payments for the child shall be clearly identified and accounted for.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 353.4 Restricted Accounts

a) Veterans'-Administration-Benefits

1) When a child received benefits from the Veterans'-Administration prior to October 1, 1978, a minimum balance of \$400 shall be held in a restricted account for the child per written agreement between the Veterans'-Administration and the Department of Children and Family Services providing that maintaining such a restricted account does not disqualify the child from receiving benefits under other programs. Board and care payments shall not be made from such restricted accounts.

2) When the child reaches age 18, the restricted account shall be released to him--if the child is a minor when released from the Department's legal responsibility, the restricted account shall be released in accordance with instructions from the Veterans'-Administration--the Department will notify the Veterans'-Administration when a child reaches age 18 and is incapable of managing his own funds--the Veterans'-Administration will undertake an investigation concerning a suitable guardian to handle any funds to which the child is entitled.

b) Other Restricted Accounts

1) When a child receives an inheritance, insurance settlement,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

settlement as a result of a lawsuit suit, mineral rights payment or gift of less than \$10,000, \$27,500; the Department shall establish a restricted separate account for the child.

1) 3) Monies from such a restricted separate account shall be invested according to sound investment principles. Funds being held as the result of a court award or out-of-court settlement related to an accident or incident shall not be used for the child's board and care. These funds may, however, be used for medical or hospital care or other expenses related to the accident or incident.

2) 4) The balance of a restricted account funds from such a separate account shall be paid over to the child at age 18, or to another person or entity who is legally entitled to act as the guardian of the estate for the child when the child is discharged from the Department's legal responsibility before the age of 18. When a child 18 years of age or over is incapable of managing such funds, the Department shall petition the court of jurisdiction to have a guardian appointed to manage the child's estate.

3) 4) When a child is under the age of 18 and an inheritance, insurance settlement, mineral rights right payment or gift that which exceeds \$10,000 \$27,500 is awarded in the child's name, the Department shall petition the court of jurisdiction to have a guardian appointed to manage the child's estate.

b) Dedicated Account

1) The Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that retroactive benefit payments of more than 6 times the current federal benefit rate must be deposited into a special "dedicated" account. This dedicated account must be segregated from other funds and shall be invested according to sound investment principles.

2) Use of funds deposited in the dedicated accounts is limited to allowable expenses as approved by the Social Security Administration. Routine care and maintenance is not an allowable expense.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 353.5 Disbursements from Accounts

a) Board and Care

The Department shall make payments disburse monies on a monthly basis from State appropriations from the child's account to the for substitute care, specific services provided directly to the individual child, and medical care not reimbursed through Medicaid caretaker for the child's board and care. These payments shall be made at the Department's established rate for the type of care the child receives. These payments are reimbursed on a monthly basis from the child's

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

account in the following order: room and board, voucher services, and payments relating to specific services provided directly to the child. If the child does not have sufficient monies to pay the full cost of care, the balance shall be paid from the state's general revenue fund.

b) Medical Payments

When a child has been determined ineligible for medical assistance from the Department of Public Aid, disbursement from the child's account shall be made for medical care and other needed medical items. These payments shall be made at the Department of Public Aid's payment rate if a child is ineligible for medical assistance from the Department of Public Aid and does not have sufficient monies in his account to pay for needed medical care. The medical care shall be paid from the state's general revenue fund.

b) c) Expenditures for Other Items

Any balance remaining, after reimbursing paying for the child's substitute board and care, services, and the child's unreimbursed medical needs, shall accumulate. The balance may be expended for other items, such as casework services, that which are not specifically identified above as board and care or medical care.

Purchase of these items is contingent upon:

- 1) the effects of the items items on the psychological, social, educational, and physical development of the child; and
- 2) the appropriateness of the item for the child's age and social skills.

c) d) Reimbursements to the General Revenue Fund/Children's Service Fund

On a monthly quarterly basis, the Department shall calculate the amounts paid by the Department for the child's substitute care, services, unreimbursed medical care board and care and other expenditures medical care for that month quarter. The child's account shall then reimburse the State's state's account in the following order: general revenue fund for:

- 1) the amount paid by the Department for substitute board and care for that month quarter; and
- 2) the amount paid by the Department for services and unreimbursed medical care for that month quarter.

If the balance in the child's account is not sufficient to fully reimburse the payments in subsections (c)(1) and (2), the available amount will be used in the same order, with the most recent services being reimbursed last.

c) the amount of the child's account if less than the full amount paid by the Department for the child's board and care and medical care for that quarter

2) The state's general revenue fund shall be reimbursed from the child's account for monies paid by the Department for the child's board and care and medical care whether or not such services were provided before or after the actual receipt of funds by the Department for the child.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 353.6 Account Termination

a) The Department shall close a child's account within 90 days after receipt of information related to:

- 1) Change in guardianship/legal status;
- 2) Change in payee;
- 3) Child no longer eligible for any benefits; or
- 4) Child reaches the age at which he/she is entitled to the receipt of monies.

b) The Department shall make a final accounting of monies. Any disbursement shall be made in accordance with Section 353.5 (Disbursements from Accounts).

c) Upon termination of a child's account:

- 1) When the Department has conserved funds received from an issuing agency, it shall return any balance, exceeding the amount remitted to the State's funds, to the issuing agency, unless the Department is instructed otherwise by the issuing agency.
- 2) When the Department has conserved funds from any source other than an issuing agency, it shall return any balance, exceeding the amount remitted to the State's funds, to the parent or guardian who assumes legal responsibility for the child and/or the child's finances, or to the child directly if he or she is emancipated and capable of managing his or her own finances.
- a) When the Department no longer has legal responsibility for a child's final accounting of all monies being held by the Department for the child shall be made. All unreimbursed amounts paid for board and care by the State shall be calculated. When the balance remaining in the child's account is equal to or less than the amount paid for care, the balance shall be remitted to the State's general revenue fund.
- b) The Department shall close out a child's account within 90 days after the child reaches age 21, or within 90 days after discharge from the Department's legal responsibility. The Department shall return any balance exceeding the amount remitted to the State's general revenue fund to the issuing agency, unless the Department is instructed otherwise by the issuing agency.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 353.7 Payment of Benefits to Parents or Relatives (Repealed)

When a child for whom the Department retains legal responsibility returns to his natural or adoptive parent, monies received in the child's account shall be paid each month in their entirety by the Department to the parent unless the child is placed again by the Department or unless the child is discharged from

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~the Department's legal responsibility and the account is terminated.~~
(Source: Repealed at 24 Ill. Reg. _____, effective _____)

Section 353.8 Funeral and Burial Expenses

Upon the death of a child, the funeral and burial expenses shall be paid from the child's account, to the extent possible within the limitations established by the Department of Public Aid in accordance with applicable rules.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 353.9 Safe-Keeping and Investment of Funds

Monies received from issuing agencies will be deposited in no-cost, interest bearing interest-bearing savings accounts in appropriate financial institutions. Interest earned on the each individual account shall be credited by the Department to that child.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Standards of Service for Electric Utilities

2) Code Citation: 83 Ill. Adm. Code 410

3) Section Numbers:

410.10	Repeal
410.20	Repeal
410.30	Repeal
410.40	Repeal
410.110	Repeal
410.120	Repeal
410.130	Repeal
410.140	Repeal
410.150	Repeal
410.160	Repeal
410.170	Repeal
410.175	Repeal
410.180	Repeal
410.190	Repeal
410.200	Repeal
410.210	Repeal
410.220	Repeal
410.230	Repeal
410.240	Repeal
410.250	Repeal
410.260	Repeal
410.270	Repeal
410.280	Repeal
410.290	Repeal
410.300	Repeal
410.310	Repeal
410.320	Repeal
410.330	Repeal
410.340	Repeal
410.350	Repeal

4) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-301 and 10-101)

5) A Complete Description of the Subjects and Issues Involved: The Commission is concurrently proposing the adoption of new rules at Part 410. The current rules, adopted in large part in 1949, are not reflective of advances in technology nor do they recognize the alternative retail electric suppliers that are also supplying electricity pursuant to amendments to the Public Utilities Act that added Article XVI.

6) Will these proposed repealers replace emergency amendments currently in effect? No

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED REPEALER

7) Does this rulemaking contain an automatic repeal date? No

8) Do this proposed repealer contain incorporations by reference? No

9) Are there any other proposed repealers pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed repealer neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield IL 62794-9280
(217)782-7434

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not affect any small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Repealer begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED REPEALER

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 410
STANDARDS OF SERVICE FOR ELECTRIC UTILITIES (REPEALED)

SUBPART A: GENERAL

Section
410.10 Authorization
410.20 Application
410.30 Exemptions or Deviations in Particular Cases
410.40 Saving Clause

SUBPART B: STANDARDS OF SERVICE

Section
410.110 Records and Reports
410.120 Meter Records
410.130 Customer Meter Test Records
410.140 Station Records
410.150 Complaints
410.160 Interruptions of Service
410.170 Location of Meters
410.175 Separate Metering
410.180 Testing Facilities and Equipment
410.190 Customer Meter Test Loads
410.200 Customer Watthour Meter Accuracy Requirements
410.210 Customer Demand Meter Accuracy Requirements
410.220 Initial Tests
410.230 Periodic Test of Customer Meters
410.240 Meter Tests Requested by Customer
410.250 Commission Referee Tests
410.260 Adjustments of Bills for Meter Error
410.270 Installation Inspections
410.280 Voltage Regulation
410.290 Voltage Surveys
410.300 Standard Frequency
410.310 Grounding of Secondaries
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410.330 Extension of Lines in Urban Area
410.340 Extension of Lines in Rural Areas
410.350 Information to Customers
410.360 Information to REAP Customers (Repealed)

SUBPART C: ELECTRIC SERVICE RELIABILITY POLICY

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED REPEALER

Section
410.410 Purpose of Subpart C (Repealed)
410.420 Definitions of Terms in Subpart C (Repealed)
410.430 Applicability of Subpart C (Repealed)
410.440 Reliability Policy (Repealed)
410.450 Record-Keeping Requirements (Repealed)
410.460 Notice and Reporting Requirements (Repealed)
410.470 Interruption Cause Categories (Repealed)
410.480 Reliability Review (Repealed)
410.490 Modification or Exemption (Repealed)

TABLE A Causes of Interruptions (Repealed)

AUTHORITY: Implementing Sections 8-301 and authorized by Section 10-101 of the Public Utility Act [220 ILCS 5/8-301 and 10-101].

SOURCE: Effective August 1, 1948; amended at 5 Ill. Reg. 6805, effective June 12, 1981; codified at 8 Ill. Reg. 12183; amended at 10 Ill. Reg. 148, effective December 23, 1985; amended at 11 Ill. Reg. 8964, effective May 1, 1987; emergency amendment at 13 Ill. Reg. 16563, effective October 10, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 3454, effective March 1, 1990; amended at 16 Ill. Reg. 2544, effective February 1, 1992; amended at 19 Ill. Reg. 2804, effective April 1, 1995; emergency amendment at 22 Ill. Reg. 11215, effective June 10, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20087, effective November 7, 1998; repealed at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 410.10 Authorization

In accordance with the provisions of Section 54 of "An Act concerning public utilities" (Ill. Rev. Stat. 1981, ch. 111 2/3, par. 54), as amended, the Commission prescribes the following rules establishing standards for electric service, effective August 1, 1948.

Section 410.20 Application

This Part sets forth minimum requirements and shall apply to any public utility which is defined as such by Section 10 of "An Act concerning public utilities" (Ill. Rev. Stat. 1981, ch. 111 2/3, par. 10), as amended, and which is now, or hereafter may be, engaged in the production, sale or distribution of electricity.

Section 410.30 Exemptions or Deviations in Particular Cases

If any existing conditions, in the judgment of any public utility, justify the making of an exemption or deviation from any of these rules in any particular

ILLINOIS COMMERCE COMMISSION

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case, a verified petition may be filed by the utility with the Commission setting forth a full statement of such conditions and the reason and purposes of such proposed exemption or deviation. The Commission may, if it deems proper, set such petition for hearing and after hearing, or upon the showings of the verified petition if no hearing is deemed necessary, may grant permission to make such exemption or deviation in any such particular case.

Section 410.40 Saving Clause

The adoption of this Part shall in no way preclude the Commission from altering or amending it, in whole or in part, or from requiring or permitting any other or additional service, equipment, facility, or standard, either upon complaint, upon its own motion, or upon the application of any utility; nor shall this Part relieve any utility from any of its duties under the laws of this State.

SUBPART B: STANDARDS OF SERVICE

Section 410.110 Records and Reports

- a) Attention is invited to the requirements of Section 16 of "An Act concerning public utilities" (Ill. Rev. Stat. 1981, ch. 111 2/3, par. 16), as amended, which presently reads as follows: "Each public utility shall have an office in one of the cities, villages or incorporated towns in this State in which its property or some part thereof is located, and shall keep in said office all such books, accounts, papers, records and memoranda as shall be ordered by the Commission to be kept within the State. The address of such office shall be filed with the Commission. No books, accounts, papers, records or memoranda ordered by the Commission to be kept within the State shall be at any time removed from the State, except upon such conditions as may be prescribed by the Commission."
- b) All records required by this Part shall be kept within the State.
- c) The rules prescribed in 83 Ill. Adm. Code 420 (General Order 186), as revised from time to time, will govern the destruction of records of electric utilities, except as set forth in Section 410.130 of this Part.

Section 410.120 Meter Records

Records shall be made giving the following information for each watt-hour meter, demand meter, instrument transformer or shunt owned or in service: date of purchase, company's number, if any, nameplate data, place of last installation, date of last test, and date and type of last major repair.

Section 410.130 Customer Meter Test Records

- a) Each utility shall keep records of tests of the accuracy of each of its meters, until superseded by a later test but not less than two

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- years. These records shall give
 - 1) sufficient information to identify the meter,
 - 2) the reason for the test,
 - 3) the date of the test and reading of the meter,
 - 4) the name of the person making the test,
 - 5) a statement regarding creepage,
 - 6) the accuracy as found and as left, carried out to tenths of a percent, together with enough of the data taken at the time of the test to permit the convenient checking of the methods employed and the calculations.
- b) Each utility having more than 250 watt-hour meters in service shall make at least quarterly and annual tabulations of the results of all meter accuracy tests required by this Part. These annual tabulations shall be kept on file for at least 25 years.

Section 410.140 Station Records

Each utility shall keep, insofar as practicable, station logs of plant operation and such data as are necessary to account for all energy generated or purchased, both as to kilowatt-hours and kilowatts. The Commission may from time to time specify by its order other particular matters which shall be covered by these records.

Section 410.150 Complaints

- a) A full and prompt investigation shall be made of each complaint received. The word "complaint" as used in this Part, shall be construed to mean substantial objection made to a utility, by a customer, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis. The receipt of all written complaints shall be acknowledged in writing, or by personal contact.
- b) A record shall be kept of each complaint, showing the name and address of the complainant, the time of day and the date received, the nature of the complaint, the result of the investigation, when and by whom conducted, the final disposition of the complaint, and the date of such disposition.

Section 410.160 Interruptions of Service

For the purpose of this Part, an interruption will be considered as a failure of any portion of the system or equipment whereby the voltage is reduced to less than 50 percent of the standard voltage for a period longer than one minute, except that where automatic reclosing equipment is utilized only "circuit breaker lockout" shall be so considered.

- a) Each utility shall make all reasonable efforts to prevent interruption of service. When interruption occurs, the utility shall reestablish service with the shortest possible delay consistent with general

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safety and public welfare. The Commission shall be notified promptly if service is interrupted for a period of 12 hours or more to any community. Whenever the service is to be interrupted for the purpose of working on the system, this work shall be done at a time which will cause the least inconvenience to customers and those customers who will be most seriously affected by such interruption shall, so far as practicable, be notified in advance.

- b) Each utility shall keep a record of all interruptions affecting service to the entire system, each community, and each important distribution center. This record shall show the date, time of day, duration, extent and cause of the interruption.

Section 410.170 Location of Meters

- a) Meters hereafter installed on customers' premises may be installed either inside or outside of buildings or structures. Where no other suitable location is available, they may be installed on poles or other supports not subjected to appreciable vibration.
- b) All new outdoor meter installations, made hereafter, shall be of a weatherproof type. Meters regarded as weatherproof within themselves or meters properly enclosed or protected against weather shall be considered as meeting requirement. Such meters should be compensated for temperature variations.
- c) All meters hereafter installed indoors shall be located as near as practicable to the service entrance in a clean, dry place, reasonably secure from injury, not subject to appreciable vibration. Meters shall not be installed in attics, living rooms, bathrooms, shower rooms, restaurant kitchens, over doors, over windows or in any location not easily accessible for reading, testing, making necessary repairs and adjustments, or where the visits of the meter reader or meter tester will cause annoyance to the customer.

Section 410.175 Separate Metering

- a) General Rule -- Except as otherwise provided herein, a separate meter shall be used to measure the electricity that is consumed within, and controlled by the occupant of, each individual unit contained in any new building, newly remodeled portion of an existing building, or new mobile home park for which a building permit is obtained on or after November 1, 1981, or, if no permit is required, for which construction is commenced on or after November 1, 1981. Such separately metered consumption shall be used as the basis for billing the occupant of the individual unit as a separate customer.
- b) Definitions -- For purposes of this Section, the following definitions shall apply:
 - 1) Individual unit in a building: each portion thereof which is separately leased, rented or owned.
 - 2) Control: the ability of the occupant of a unit to determine the

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timing and amount of electricity consumed therein. Electricity used for central space heating, central water heating, central ventilation or central air conditioning systems is not "controlled" by the occupant of the individual unit.

- 3) Remodeled portion of a building: each area in which interior alterations are made which require substantial rewiring.
- 4) Mobile home park: contiguous parcels of land used for the accommodation of occupied mobile homes.
- 5) Temporary buildings: buildings normally considered to be temporary domiciles, such as motels, dormitories, health care facilities and nursing homes.
- c) Exceptions -- Separate metering and billing of electricity shall not be required for the following:
 - 1) Units within transient buildings.
 - 2) Residential units which do not have kitchen sinks and other kitchen facilities.
 - 3) Portions of buildings in which separate metering is impractical, such as concession stands in lobbies, and individual offices which share office service areas.
 - 4) Buildings for which space heating is provided by electric lighting and which, by virtue thereof, qualify for service under special rates filed by the utility.
 - d) Additional Exceptions -- A utility may seek approval from the Commission for rules and regulations which provide for additional exceptions. The utility should demonstrate that the long-run benefits of separate metering, such as conservation of energy and equitable rates to consumers, are outweighed by the costs associated therewith, or that separate metering would otherwise be impractical or unreasonable.
 - e) Minimum Requirements -- The provisions contained in this Section are intended to set out minimum requirements, and shall not prohibit or discourage any utility from filing rules which impose additional restrictions on the use of master metering.
 - f) Tariff Filing -- Each electric utility shall, within sixty days after adoption of this Section, file, for approval by the Commission, a rule or regulation which implements the rules approved herein.
 - g) Waiver -- Any applicant for electric service who is refused master metered service by a utility and who has exhausted his remedies before the Consumer Affairs Division of the Commission, may file a formal complaint with the Commission seeking a waiver from the requirements of this Section or the corresponding rules and regulations of the utility. The complaint shall comply with the Commission's Rules of Practice and shall name the utility as a Respondent. Said complaint should demonstrate that the long-run benefits of separate metering, such as conservation of energy and equitable rates to consumers, are outweighed by the costs associated therewith, or that separate metering would otherwise be impractical or unreasonable.

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Section 410.180 Testing Facilities and Equipment

- a) Each utility shall provide for such meter laboratory, standard meters, instruments and other facilities and equipment as may be necessary to make the tests required of it by this Part, or other orders of this Commission. The apparatus and equipment so provided shall be at all times available for the inspection or use of authorized representatives of the Commission.
- b) Each utility shall provide for and have available for use as working standards portable instruments of suitable range and type for testing customers' watt-hour meters and demand meters. The apparatus and equipment so provided shall at all times be available for the inspection or use of authorized representatives of the Commission.
- c) 1) For testing the accuracy of portable watt-hour meters, commonly called "rotating standards," used for testing customers' meters, each utility shall provide or have available suitable indicating instruments or watt-hour meters, hereinafter called reference standards. For utilities having less than 500 meters in service meter, but, if so, such watt-hour meter shall be permanently mounted in a place as free as possible from vibration and other disturbing influences and shall be used for no other purpose than for checking working standards.
- 2) All reference standards shall be checked at least once a year against instruments of known accuracy.

- d) 1) During times when the portable watt-hour meters (rotating standards) are regularly used for testing customers' meters, they shall be compared with the reference standards at least once each week if of the commutator or mercury types, or at least once each month if of the induction type.
- 2) Where a utility having 500 or more watt-hour meters in service maintains a central meter department and it is not practicable to make comparisons with the reference standards with the frequency herein required, the utility may make use of the service type of watt-hour meter for checking working standards in the district where the tests are being made, provided comparisons are made at least once a month with the approved reference standards of the central testing stations.
- 3) If such a comparison indicates that the portable watt-hour meter is in error by more than one percent on any combination on which it will be used, the meter shall be adjusted if possible to reduce the inaccuracy. In any case, the correction indicated by the certificate or calibration card accompanying the instrument (see Section 410.180(g)) shall be applied.
- e) All working standards of the indicating type, such as voltmeters, ammeters and wattmeters, when in regular use for testing meters, shall

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- f) Switchboard voltmeters which indicate voltage on transmission or distribution lines, meters, used to measure station output or to determine phase balance, watt-hour meters used to record station output, and working standards used for purposes other than the testing of meters shall be checked as often as necessary against instruments of known accuracy.
- g) Each working or reference standard shall be at all times accompanied by a certificate or calibration card, giving the date and results of the last calibration of the instrument and signed by the person responsible for the calibration. Such certificates or calibration cards, when superseded, shall be kept on file at least two years in the office of the utility.

Section 410.190 Customer Meter Test Loads

- a) 1) Service watt-hour meters shall be tested on the following loads:
 - A) Commutator and mercury type meters:
Light load -- 5% to 10% of rated capacity of meter.
Heavy load -- approximately 60% to 150% of rated capacity of meter.
 - B) Induction type meters:
Light load -- 5% to 10% of rated capacity of meter.
Heavy load -- approximately 60% to 150% of rated capacity of meter.
- 2) For testing procedures where it is necessary to control manually the starting and stopping of portable watt-hour meters (rotating standards), two test runs, each of at least 30 seconds long, shall be made and recorded at each load; but should these tests fail to agree within one percent for light load and within one-half percent for heavy load, additional tests shall be made until two results are obtained which do so agree. The percentage registration on each load shall then be obtained by averaging the percentages of registration from the two tests which agree, as specified. The percentages of registration on the two loads then shall be averaged. The result shall be considered the averaged percentage registration of the meter. If testing procedures are used based on the stroboscopic principle or employing automatic means for controlling a test run, only one test run need be made and recorded.
- b) 1) The electrical element of curve-drawing instruments when used as demand meters, should be tested on a steady load at approximately

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two-thirds of the rated capacity of the instrument. The timing element of these instruments may be checked by comparing the time as indicated by the chart with the correct time. The error of the instrument will be the error shown by the test of the electrical element.

2) The electrical element of integrated demand meters should be tested in accordance with the rules given for watt-hour meters in paragraph (9). The timing element of integrated demand meters should be given a stopwatch test of the number of revolutions or clock beats in 60 seconds or, in meters which record, the time of demand may be checked by comparing the time as indicated by the tape or chart with the correct time. The error of the instrument should be computed from the results of the tests of the electrical and timing elements.

3) Lagged demand meters of the electromagnetic type should be tested on a steady load of approximately two-thirds full scale value, maintained for the time interval of the meter, or until it has reached final deflection. When construction permits, the escapement mechanism may be disengaged so that the above check may be made in a short time. Lagged demand meters of the thermal type should be tested on a steady load of from two-thirds to full rated capacity of the meter, maintained until final registration is reached. The error of lagged demand meters is the error of final registration.

c) Tests on watt-hour meters which will be used on inductive loads shall be made under one of the following conditions:

- 1) By a test on the customer's connected load under conditions approximating, as closely as possible, the heavy and light load requirements hereinbefore defined, or
- 2) by a test upon heavy and light noninductive loads, provided a shop adjustment to within two percent of accuracy has been made prior to installation under conditions of full rated current and 50 percent lagging power factor.

Section 410.200 Customer Watt-hour Meter Accuracy Requirements

- a) 1) On any test of a service watt-hour meter, the meter shall be left so adjusted that the error shall not be in excess of the following:

Average error	Commutator and Mercury Types		Induction Type	
	2% Fast or Slow	1% Fast or Slow	2% Fast or Slow	1% Fast or Slow
Error at heavy load				
Error at light load				

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2) This allowance of certain variations from correctness is specified to allow for the necessary irregularities in meter tests and maintenance conducted on a commercial scale. It is not the intent of the rule that meters may deliberately be set in error by the amount of tolerance.

b) No watt-hour meter which is mechanically defective or which has incorrect constants shall be placed in service or be allowed to remain in service without adjustment and correction after such defect or inaccuracy has been discovered.

c) No watt-hour meter which registers on "no load" shall be placed in service or allowed to remain in service in such condition after the creeping has been discovered. A meter creeps when, with all load wires disconnected, the moving element makes more than one complete revolution.

d) Watt-hour meters installed with instrument transformers or shunts shall be tested as a unit with such transformers or shunts, unless the ratio of transformation of the transformers and the resistance of the shunts have been determined previously and are on file at the office of the utility for use in calculating the results of tests made. All such calibration tests must have been made by a laboratory of recognized standing, or by the utility, using suitable apparatus and methods.

Section 410.210 Customer Demand Meter Accuracy Requirements

Demand meters, when tested on the loads specified in Section 410.190, should be adjusted, if necessary, to meet the following requirements:

- a) Curve Drawing Instruments:
 - Electrical element -- Error should not exceed 2% of full scale indication.
 - Timing element -- Error should not exceed 1/4%.
- b) Integrated Demand Meters:
 - Electrical element -- Error should not exceed that specified for watt-hour meters, Section 410.200.
 - Timing element -- When used to measure time interval only, error should not exceed 2%. When used also to keep a record of time of day at which the demand occurs, error should not exceed 1/4%.
- c) Lagged Demand Meters:
 - Electromagnetic Type -- Error should not exceed 3% of full scale indication.
 - Thermal Type -- Error should not exceed 3% of full scale indication.

Section 410.220 Initial Tests

The initial test is defined as the test to be made either before or after installation, regardless of whether the meter has been previously in service.

- a) Every watt-hour meter and demand meter shall receive an initial test and after it has been so tested shall be left in condition to meet the accuracy requirements of Section 410.200(a).

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- b) The initial test of all watthour meters up to and including 12 kva rated capacity may be made prior to the meter being put in service by the utility testing the meter in its shop or laboratory, or by the utility having the meter tested in a shop or laboratory of recognized standing of a third party, except that a test made by a manufacturer before shipment to a utility will not be construed as satisfying this Section.
- c) The initial test of all watthour meters up to the including 12 kva rated capacity may also be made by the utility testing the meter in service within 12 months after installation.
- d) The initial test of all watthour meters of greater than 12 kva rated capacity shall be made in place of service within 90 days after installation.

Section 410-230 Periodic Test of Customer Meters

- a) Each watthour meter shall be inspected and tested according to the schedule below. At the time a watthour meter is tested, any demand meter associated with it shall be inspected or tested. Each demand meter shall be tested at least as often as the meter with which it is associated and, as nearly as practicable, at the same time.

- b) Schedule of periodic tests on watthour meters

1) Alternating Current Meters	
Up to and including 12 kva	- At least once in 96 months
Over 12 kva up to and including 100 kva	- At least once in 24 months
Over 100 kva	- At least once in 12 months
2) Direct Current Meters	
Up to and including 6 kw	- At least once in 42 months
Over 6 kw up to and including 100 kw	- At least once in 18 months
Over 100	- At least once in 12 months

- c) NOTE: The kva rating of an alternating current, single-element meter or the kw rating of a direct current meter is the product of the rated voltage and the rated current. In the case of polyphase or multi-element meters, the rating is the sum of such products for each element. When meters are connected to and tested in conjunction with instrument transformers or shunts, the nominal rating of the

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transformers or shunts shall be used in the determination of the kva rating of the metering equipment.

Section 410-240 Meter Tests Requested by Customer

Each utility furnishing metered electric service shall, without charge, test the accuracy of any meter upon request by the customer served through such meter, provided that the meter in question has not been tested by the utility or by the Commission within one year previous to such request. If the customer so desires he or his representatives shall have the privilege of witnessing the test. A written report, giving the results of the test, shall be made to the customer.

Section 410-250 Commission Referee Tests

- a) Upon written application to the Commission by any customer, a test will be made of the customer's watthour meter by a representative of the Commission. For such a test a fee as scheduled below shall be forwarded to the Commission with the application, which fee shall be refunded to the applicant by the utility if the meter be found more than two percent fast, the average percentage registration of the meter being determined as specified in Section 410.190(a).

- b) Schedule of Fees
- 1) For direct current or single-phase watthour meters operating on circuits of 650 volts or less, and having not to exceed 12 kva rated capacity.....\$ 2.00
 - 2) For each additional 12 kva or fraction thereof.....\$.50
 - 3) For single-phase meters operating on circuits of more than 650 volts, and for polyphase meters, with or without instrument transformers, having not to exceed 25 kva rated capacity...\$3.00
 - 4) For each additional 25 kva of rated capacity.....\$.50
- Where instrument transformers are used, the rated capacity of the meter is considered to be that of the complete metering installation and is determined by taking into consideration the ratio of the instrument transformers.
- c) Any demand meter will be tested by a representative of the Commission upon written application by the customer served through such meter and receipt of a fee of \$2.00. This fee shall be refunded to the applicant by the utility if the indicator be found to over-register more than specified in Section 410.210.
- d) A meter shall in no way be disturbed after the utility has received notice that application has been made for a referee test, unless authority to do so is first given in writing by the Commission or by the customer.

Section 410-260 Adjustments of Bills for Meter Error

- a) Whenever any test made by a utility or by the Commission, of a

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watthour meter, while in service or upon its removal from service, shall show such meter to have an average error of more than four percent, an adjustment of the customer's account shall be made between the customer concerned and the utility for the over-registration and may be made for under-registration, and in such adjustment the actual error of the meter and not the difference between the allowable error and the error as found shall be used.

- b) If the meter be found faster than allowable the utility shall refund to the customer the estimated amount of the overcharge, and in determining the amount so to be refunded it shall, unless the contrary can be shown, be assumed:

- 1) That, if the inaccuracy is discovered by the test provided for either in Section 410.220(c) or in Section 410.220(d), such inaccuracy has existed from the date of the commencement of service.
- 2) That, if the meter has been tested in accordance with the provisions of Section 410.220(b) prior to being put in service and the inaccuracy is discovered by the first test in service within 12 months after date of installation, such inaccuracy has existed from commencement of service to the date of such first test.
- 3) That, if the meter has been tested in accordance with the provisions of Section 410.220(b) prior to being put in service and the inaccuracy is discovered by the first test in service more than 12 months after date of installation, such inaccuracy has existed for one-half the period between the commencement of service and the date of such first test, except that such refund period shall not be less than 12 months.

- 4) That, if the accuracy of the meter has been previously established by a test in service at the location involved, such inaccuracy has existed for a period of six months before the date of the test by which the inaccuracy was discovered.
- c) If the meter be found slower than allowable, the utility may charge the customer for the consumption not registered, and, in determining the amount of such under-registration, it shall, unless the contrary can be shown, be assumed that such under-registration has not existed for more than six months prior to the date of its discovery. Such charge shall not be made by the utility where the bill for estimated inaccuracy amounts to less than 50 cents. All such charges for under-registration shall be conditional upon the utility not being at fault for allowing the inaccurate meter to remain in service. The utility shall in no case render a bill for under-registration where the requirements of Section 410.190(c), 410.220, 410.230 and 410.240 have not been complied with. In the case of a nonregistering meter which has been read during the period of nonregistration, the utility shall not render a bill for an estimated consumption extending over more than twice the regular interval between readings.

- d) Any adjustments of bills for either over-registration or

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under-registration shall not extend back beyond the date of the commencement of service with this meter to the customer occupying the premises at the time of the test by which the inaccuracy is discovered.

- e) Whenever a utility or the Commission finds a watthour meter in its place of service to be creeping, an estimate shall be made of the registration which the creeping has produced during the period of inaccuracy as specified under paragraph (a) of this Section and a corresponding refund shall be made to the customer.

- f) Whenever any test by a utility or by the Commission of a demand meter while in service or on its removal from service shows such meter to be more than four percent in error, the provisions of paragraph (a) of this Section covering the adjustments of charges in the case of service watthour meters shall be observed insofar as they are applicable. If the demand meter depends for its readings upon actuations from the watthour meter, the average error of the demand meter shall be determined from the heavy load accuracy of the watthour meter in conjunction with the accuracy of the demand meter itself.

Section 410.270 Installation Inspections

- a) Each meter shall be checked for correct connections, proper mechanical conditions and suitability of location in its permanent position in place of service at the time of installation or within 90 days thereafter.

- b) The utility may refuse to install a meter or to serve a customer if, in its judgement, the customer's installation is hazardous or of such character that satisfactory service cannot be given, but in case of refusal, the utility shall inform the customer as to the reason for refusal to render service.

Section 410.280 Voltage Regulation

- a) Standard Voltage

- 1) Each utility supplying electrical energy for general use shall adopt standard service voltages to be supplied from such system, and shall make every reasonable effort by the use of proper equipment and operation to maintain the service voltages of approximately the standard value and within the allowable variations from such value at all times.

- 2) The Commission hereby recognizes 120 volts as the standard voltage value and utilities choosing to operate at 115 volts may so operate provided, however, that the Commission be notified in writing of that choice and of any change from 115 volt to 120 volt standard whenever any such change is made.

- b) Allowable voltage variations

For services rendered under a lighting contract, or primarily for lighting purposes, voltage variations as measured at any customer's

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service terminals shall not exceed or fall below, for periods longer than one minute, the following: For utilities supplying the 120 volt standard service voltage, a maximum of 127 volts and a minimum of 113 volts. For utilities choosing the 115 volts as standard service voltage, a maximum of 125 volts and a minimum of 110 volts.

c) For service rendered under a power contract, or primarily for power purposes, voltage variations as measured at any customer's service terminals shall not exceed ten percent above or below the standard service voltage for a longer period than one minute in each instance.

d) Variations of voltage in excess of those specified above caused

- 1) by operations of the customer in violation of his contract or of the rules of the utility,
 - 2) by the operation of power apparatus on the customer's premises which results in large inrush currents,
 - 3) by infrequent and unavoidable fluctuations of short duration due to system operation, or
 - 4) by the action of the elements,
- shall not be considered an infraction of this Section.

Section 410-290 Voltage Surveys

a) Each utility shall make voltage surveys at such intervals and of such comprehensiveness as may be necessary to keep itself fully informed regarding the character of the service being furnished from its system. Such surveys may be made by recording instruments, analytical methods, or a combination of these methods.

b) All charts or readings taken or analyses made in voltage surveys shall be preserved and filed in a systematic manner, accompanied by such information as may be required to show the date, hour and place of the test, distance from the transformers (or from the station if a direct current system), size of transformers, the instruments used, and the name of the persons making the test.

c) For use in making voltage surveys, each utility shall provide one or more portable indicating voltmeters, and if serving more than 250 customers, shall have one or more portable recording voltmeters. These instruments shall be of a type and range suited to the voltage supplied.

d) Each utility having more than 250 customers shall install and maintain sufficient recording voltmeters on its system to indicate the adequacy of voltage control methods and equipment.

Section 410-300 Standard Frequency

Each utility supplying alternating current shall adopt a standard frequency for its system, or for any division thereof, and shall maintain this frequency within five percent of standard at all times during which service is supplied; provided, however, that momentary variations of frequency of more than five percent, which are clearly due to no lack of proper equipment or

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reasonable care on the part of the utility, shall not be considered a violation of this Section.

Section 410-310 Grounding of Secondaries

Transformer secondaries shall be grounded in accordance with the rules contained in 83 Ill. Adm. Code 305 (General Order 160) or subsequent revisions or amendments thereof.

Section 410-320 Service Drops

Each utility shall without charge furnish and install where required, an overhead service connection of reasonable length, from its overhead distribution system to the first point of attachment on the customer's property.

Section 410-330 Extension of Lines in Urban Area

a) For the purposes of this Section, a customer shall be deemed to be an urban customer where his premises are located within the incorporated limits of a city, village or town, or in territory where the conditions of service reasonably approximate the conditions of service normally found in recognized urban territory; provided, however, that a public utility may file with the Commission for its consideration maps showing the areas deemed to be urban, and when so filed and approved by order or otherwise by this Commission, said maps shall govern. A customer whose premises are not located in urban territory as above described, will be considered as a rural customer. The foregoing shall be interpreted in the light of recognized and accepted practices.

b) This Section shall not apply to applicants for auxiliary, standby or temporary service. Such service, when available, shall be governed by extension provisions which the utility shall file with the Commission.

1) Free Extensions

A) If an extension of the utility's distribution system should be necessary in order to serve an applicant or a group of applicants whose premises are located within an urban area in which the utility operates, the utility, upon written request for service, shall extend its line without charge for each such applicant, along the street, highway or other suitable right-of-way to the nearest point adjacent to the premises of such applicants, provided not more than appropriate guy poles and a line extension of not more than two poles spaced according to the utility's construction specifications (but not necessarily spaced in excess of 125 feet) is required for each such applicant, and provided further that no free extension shall be made from existing lines on which refunds are still due from previous deposits.

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In such event any further extension shall be made only upon the applicant making a deposit equal to the full estimated cost of the further extension required.

- B) If all or part of such extension is made on the utility's existing poles, the utility shall make no charge therefor, provided the cost of such extension is not greater than the average cost of constructing the two-pole free extension herein specified.

2) Facilities Provided by the Utility

The following facilities, when they are required in addition to the free extensions specified in paragraph (b)(1) of this Section, shall be installed by the utility without charge, and in the event of an extension in excess of the free limits, the costs of said facilities shall not be included in determining the amount of the deposit.

- A) Transformers and protective devices.
B) Single-phase primary line extensions on poles which support an existing secondary circuit.
C) Three-phase primary line extensions on poles which support an existing three-phase secondary circuit.

3) Extension in Excess of the Free Limit--

A) If the line extension is for an applicant or group of applicants and in excess of the free limit as specified in paragraph (b)(1) of this Section, and in an area where the utility operates, the utility shall make the said extension in accordance with the provisions of the following subparagraphs:

- i) A utility may file a line extension provision as part of its schedule and the said line extension provision may be stated in such manner that the applicant will have a choice of obtaining the extension thereunder or obtaining the extension under subparagraph (b)(3)(B) following. If such line extension provision is thus filed and permitted to become effective by the Commission, then the applicant may, at his election, proceed thereunder or proceed under subparagraph (b)(3)(B) following.

- ii) The said line extension provision, however, may be stated in such a manner as to be in lieu of, and not optional to, subparagraph (b)(3)(B) following, but, in that case, said line extension provision shall not become effective except after showing that it is generally more favorable to applicants than the provisions of subparagraph (b)(3)(B), and, after specific action by this Commission by order or otherwise, permitting the same to become effective. If such line extension provision last mentioned is thus permitted to become effective, it shall govern

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- the making of extensions in excess of the free limit.
B) The utility may require the applicant or group of applicants to deposit with the utility the estimated cost of the extension above the free limit (see paragraph (b)(1) of this Section), determined in the manner set forth in subsection (b)(4) of this Section.

- C) Any such extension shall be owned, operated and maintained by the utility. The utility shall refund an amount equal to the average estimated cost, at the time of making such deposit, of constructing in the area a standard two-pole extension, for the type of service required, for each additional applicant whose service shall be taken from the original extension or from any extension thereof within a period of ten years from the making of the original extension.

- D) In no case shall the amount of the refund to a customer exceed his original deposit.

- E) In the event an option is available, applicants will be governed by the majority as applied to any specific extension.

- 4) Determination of Deposit -- The distance of the applicant from the available primary or secondary circuit nearest by the route which normally would be used in making the extension and over which right-of-way is available, shall be considered in determining whether he is entitled to a free extension, and the cost of extending this circuit shall be used as the basis in determining the amount of deposit necessary in case the extension is above the free limit.

- 5) Commission Review -- If the extension is of such length and the prospective business which may be developed by it is so meager as to make it doubtful whether the business from the extension would ever pay a fair compensation for its investment, operation, maintenance and replacement, or for other substantial reasons is unwarranted, the fact shall be reported to the Commission for investigation and determination as to the reasonableness of such extension.

Section 410.340 Extension of Lines in Rural Areas

- a) A customer whose premises are not located in urban territory as described in Section 410.330 shall be considered as a rural customer. A Certificate of Convenience and Necessity authorizing the construction and operation of rural electric lines shall be secured by the utility where necessary.
b) This Section shall not apply to applicants for auxiliary, standby, temporary, or three-phase service. Such service, when available, shall be governed by extension provisions which the utility shall file with the Commission.

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1) Extension Provisions

If an extension of a utility's distribution system should be necessary in order to serve an applicant or group of applicants whose premises are located in rural areas within which the utility operates, the utility, upon written request for service by such applicants, shall make the necessary line extension along a street, highway or other right-of-way to the nearest point adjacent to the point of connection for such applicants upon agreement by the applicant or group of applicants to comply with the provisions of the following subparagraphs:

- A) It shall be optional on the utility to file a line extension provision in conjunction with its rate schedule and the said line extension provision may be stated in such manner that the applicant will have a choice of obtaining the extension thereunder or obtaining the extension under subparagraphs (b)(2), (b)(3) and (b)(4) following. If such line extension provision is thus filed and permitted to become effective by the Commission, then the applicant may, at his election, proceed thereunder or proceed under subparagraphs (b)(2), (b)(3) and (b)(4) following.
 - B) The said line extension provision, however, may be stated in such manner as to be in lieu of, and not optional to, subparagraphs (b)(2), (b)(3) and (b)(4) following, but, in that case, said line extension provision shall not become effective except after showing that it is generally more favorable to applicants than the provisions of subparagraphs (b)(2), (b)(3) and (b)(4), and, after specific action by this Commission by order or otherwise, permitting the same to become effective. If such line extension provision last mentioned is thus permitted to become effective, it shall govern the making of rural extensions.
- 2) Free Extensions
- A) The utility shall construct without charge to each applicant a line extension in monetary value of not less than \$50.00 for each \$1.00 of monthly minimum bill which would normally be established by the utility's filed rate. The utility will not be obligated, however, under this provision to invest more than \$250.00 per customer.
 - B) If all or part of such extension is made on the utility's existing poles, the utility shall make no charge therefor, provided the cost of such extension is not greater than the cost of construction above provided for.
- 3) Extension in Excess of the Free Limits
- A) If the line extension is in excess of the free limits as specified in paragraph (b)(2) of this Section, the utility shall make the said extension and shall thereafter, own, maintain, and replace said extension upon agreement by the applicant or group of applicants to deposit with the

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utility, under the original or any subsequent extension, the estimated cost of the extension above the free limits.

B) The utility shall refund an amount equal to \$50.00 per \$1.00 of monthly minimum bill by which the company's investment ratio is decreased below the requirement set forth in paragraph (a)(2), above, for each additional applicant whose service shall be taken from the original extension, or from any extension thereof within a period of ten years from the making of the original extension.

EXAMPLE

Customer A is connected to the company's lines with a total investment of \$400.00. The minimum bill established by the company's filed rate is \$3.00 per month. The company consequently furnishes construction in the amount of \$150.00 and Customer A advances \$250.00. Customer B is connected to the line with a total investment of \$100.00 and Customer B or any subsequent customer pays, according to the filed schedule, a \$3.00 minimum. A provision of the foregoing rule requires an investment ratio of 3/150. After Customer B is connected, the company investment ratio shall still be 3/150. This ratio for Customers A and B taken together may be expressed by the mathematical formula as follows:

$$\frac{3}{150} = \frac{X}{250}$$

$$X = 5$$

This means that the company is entitled to a total minimum bill of \$5.00 per month. As set forth above, the company will receive \$6.00 per month. Hence, it must return \$50.00 to the original customer. His then remaining investment becomes \$250.00 - \$50.00 (refund of company money) equals \$200.00. By agreement (which is the method provided in the rule) Customer B will pay the company \$100.00, which the company will transfer to Customer A in order that the investment may be "equalized," and hence each customer will have \$100.00 invested in the extension.

- C) In no case shall a refund exceed the original deposit. The foregoing provisions are predicated upon agreement by customers that deposits by customers will be equalized upon attachment of each additional customer. This equalization provision will prevail only so long as no customer investment is increased by additional customers.
- D) The provision concerning equalization is further predicated on the assumption that a fixed minimum bill for all customers will be established by the utility choosing to

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operate under the Commission's rules. No other procedure is recommended. Nothing here contained shall operate, however, to prohibit an unequal adjustment of investment charges, and a similar unequal adjustment of deposit refunds, provided all parties agree thereto and the company is not required to exceed the investment ratio or the total investment in excess of that hereinbefore set forth.

E) If an extension to an existing line would increase customer deposits, it shall be considered a new line for the purposes of determination of deposits.

F) If the premises of a customer are so located that he could be served by extending a parallel separate line at less cost than the amount of deposits which would be required from him for connection to the existing extension, he shall not be required to deposit in excess of the estimated cost of the separate line and he shall not share in any refunds so long as his deposit remains less than that of other depositors on said extension.

4) Combining of Rural Service -- For the purposes of determination of the deposits, refunds and minimum guarantees, a farm applicant, who has on his premises a number of buildings such as barns, employees' houses, etc., for which electric service is desired, may qualify as a single applicant, provided he constructs at his own expense the necessary facilities required to supply the various buildings from a mutually agreed upon point conveniently located near the utility's lines. This shall not be construed as including electric service to buildings occupied by a tenant who leases land or conducts a business separate from that of the land owner.

5) In the event an option is available, applicants will be governed by the majority as applied to any specific extension.

6) Determination of Deposit -- The distance of the applicant from the appropriate available circuit nearest by the route which normally would be following in making the extension, and over which right-of-way is available, shall be used as the basis in determining the necessity for, or the amount of, a deposit.

7) Commission Review -- If the extension is of such length and the prospective business which may be developed by it is so meager as to make it doubtful whether the business from the extension would ever pay a fair compensation for its investment, operation, maintenance, and replacement, or for other substantial reasons is unwarranted, the fact shall be reported to the Commission for investigation and determination as to the reasonableness of such extension.

Section 410.350 Information to Customers

a)

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1) Except as hereinafter set forth, bills rendered to customers for metered service shall clearly show at least the following:

A) The reading of the meter at the beginning and the date and the bill is rendered, the number of days in the billing period, the energy used, the meter constant if applicable, the type of service rendered, a complete description of the rate classification under which the customer receives service, and the type of reading which was taken;

B) The total amount of the bill and the following portions that make it up, listed vertically for easy readability:

- i) the monthly customer charge or portion thereof;
- ii) the demand charges, if any;
- iii) the cost of energy detailed by the energy used and the price per unit for each change in the unit price;
- iv) the cost of fuel adjustment;
- v) any other applicable adjustments (other charges not under categories of charges but relating to services, energy, or other programs provided to customers by the utility);
- vi) state tax;
- vii) municipal tax, if any;

C) The average use per day for the period over which the bill is rendered and for the comparable period one year earlier, and an indication of the difference in temperatures between the two periods. If such information is not available for a customer, the bill shall so state;

D) Definitions or explanations of any abbreviations and technical words used on the bill.

2) A) All utilities shall file with the Commission a proposed tariff under Section 9-201 of The Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 9-201) which contains a bill form complying with the requirements of subsection (a)(1). All billings after January 1, 1989 shall comply with the requirements of subsection (a)(1).

B) In cases, however, where these requirements would place an undue burden upon small utilities, "small" being defined as those utilities serving 15,000 or fewer customers in the State of Illinois, a utility may file with the Commission, in accordance with 83 Ill. Adm. Code 200, a petition for approval of an alternative proposed form of billing. In deciding whether to approve an alternative form of billing, the Commission will weigh the cost of adding the information against the small utility's operating budget. In the event that the utility in question serves more than half of its customers in another state, the alternative proposed form of billing may take the form of the bill used in the other

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state provided that this bill contains substantially the same information required in subsection (a)(1). Otherwise this proposed form of billing shall include such information set forth in subsection (a)(1) as can reasonably be placed on such a bill. In determining what information can reasonably be placed on such a bill, the Commission shall consider the following:

- i) the benefit to customers of including various types of information, and
 - ii) the cost of providing these types of information to customers.
- b) Each utility shall, upon request, specifically inform any customer as to the conditions under which efficient and economical service may be secured from its system.

- c) 1) Attention is invited to Section 8-302 of The Public Utilities Act (Ill. Rev. Stat., 1985, ch. 111 2/3, par. 8-302) which reads as follows: *The Commission shall require that every public utility furnishing natural or artificial gas, electricity or water to the public, where the individual consumption is measured by meter, shall, upon written request of any consumer, cause the meter reader at the time of reading such consumer's meter to leave at such meter a card showing the present reading of the meter, the last previous reading, and the dates of such two readings.*

- 2) The Commission hereby requires that each public utility so furnishing electric service cause its meter readers to leave a card showing such meter readings and dates, on written request, in accordance with the foregoing provision of the Act.

- d) 1) Each electric utility shall transmit to each of its customers a clear and concise summary of the existing rate schedules applicable to that customer and shall identify any rate schedules not summarized which are available to that customer. The summary shall be transmitted, at a minimum, within the second complete billing cycle after increased rates become totally effective following the issuance of a final order in any rate proceeding. If summaries are sent during a period in which proration occurs, a statement such as the following shall be incorporated in the text of the summary:

"This summary is being sent during a period in which proration occurs. Proration is when part of your bill is charged on old rates and part of your bill is charged on new rates. If an attempt is made to calculate your bill using this rate summary, your calculation will not yield the proper billing amount for this billing period, but will do so in subsequent months. We recommend that you retain this summary for future reference in computing proper billing amounts."

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- 2) This summary shall be transmitted to each new customer, not later than 60 days after the date of commencement of service, through a billing insert, separate mailing or direct customer contact by a utility representative.
- e) The summary shall contain the following minimum requirements:
 - 1) A description of the rates or charges for the rate classification under which the customer receives service;
 - 2) An identification and explanation of optional or experimental rates or classifications available to customers; and
 - 3) An identification and explanation of all charges that are not related to costs incurred in service and the supply of energy to that customer.
- f) In addition, for customers served under the residential and commercial classifications, this summary shall contain the following:
 - 1) An explanation of the terms appearing on the customer's bill form; and
 - 2) An example of how to calculate a bill using the customer's existing rate; and
 - g) Each electric utility, upon request by a customer, shall transmit at a minimum a clear and concise statement of the actual consumption of energy by such customer at the customer's present billing address for each billing period during the immediately preceding twelve-month period for which that customer was receiving service.

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- 1) Heading of the Part: Standards of Service for Public Utilities and Alternative Retail Electric Suppliers

- 2) Code Citation: 83 Ill. Adm. Code 410

- 3) Section Numbers:

410.10	New Section
410.20	New Section
410.30	New Section
410.40	New Section
410.45	New Section
410.100	New Section
410.110	New Section
410.120	New Section
410.130	New Section
410.140	New Section
410.150	New Section
410.151	New Section
410.155	New Section
410.160	New Section
410.170	New Section
410.180	New Section
410.190	New Section
410.195	New Section
410.200	New Section
410.210	New Section
410.300	New Section
410.310	New Section
410.320	New Section
410.330	New Section
410.400	New Section
410.410	New Section

Proposed Action:

410.10	New Section
410.20	New Section
410.30	New Section
410.40	New Section
410.45	New Section
410.100	New Section
410.110	New Section
410.120	New Section
410.130	New Section
410.140	New Section
410.150	New Section
410.151	New Section
410.155	New Section
410.160	New Section
410.170	New Section
410.180	New Section
410.190	New Section
410.195	New Section
410.200	New Section
410.210	New Section
410.300	New Section
410.310	New Section
410.320	New Section
410.330	New Section
410.400	New Section
410.410	New Section

- 4) Statutory Authority: Implementing Sections 8-301, 8-302, 8-501, 9-201, 10-107, 16-115(d)(4) and (e)(4), 16-115(a)(1) and (b), 16-116(b), 16-123, and 17-300(b) and authorized by Section 10-101 of the Public Utilities Act [220 ICS 5/8-301, 8-302, 8-501, 9-201, 10-101 10-107, 16-115(d)(4) and (e)(4), 16-115(a)(1) and (b), 16-116(b), 16-123, and 17-300(b)]

- 5) A Complete Description of the Subjects and Issues Involved: The rules governing the standards of service for electric utilities were originally adopted in 1948. Since that time, there have been some amendments to the rules. The language setting the standards of service does not reflect the significant technological changes that have occurred in the industry. Much of the language in Part 410 was originally adopted in 1948. Metering technology in particular has changed significantly since that time. Many of the requirements in Part 410, such as accuracy requirements and testing procedures, are outdated due to the introduction of solid state meters,

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automatic meter reading, and improved testing equipment. Additionally, Part 410 needs to reflect the existence of alternative retail electric suppliers which are a product of 1997 amendments to the Public Utilities Act. Given the nature of the revision, the Commission was of the opinion that the current rules should be repealed and new rules adopted. The rules cover electric metering standards, electric service standards, customer information, and line extensions.

- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements

C) Types of professional skills necessary for compliance: Managerial and engineering skills

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

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The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 410

STANDARDS OF SERVICE FOR ELECTRIC UTILITIES AND ALTERNATIVE RETAIL
ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section	
410.10	Definitions
410.20	Application
410.30	Exemption or Modification
410.40	Complaints
410.45	Customer Call Centers

SUBPART B: ELECTRIC METERING STANDARDS

Section	
410.100	Application of Subpart B
410.110	Meter Records
410.120	Metering Service Requirements
410.130	Separate Metering
410.140	Testing Facilities and Equipment
410.150	Meter Accuracy Requirements
410.151	Installation and Removal of Lagged Demand Meters
410.155	Installation Inspections
410.160	Initial Tests
410.170	Accuracy Testing of Meters
410.180	Sample Testing Procedures
410.190	Meter Tests Requested by Customer
410.195	Meter Tests Requested by Entity

SUBPART C: CUSTOMER INFORMATION

Section	
410.200	Corrections and Adjustments for Meter Error
410.210	Information to Customers

SUBPART D: ELECTRIC SERVICE STANDARDS

Section	
410.300	Voltage Regulation
410.310	Voltage Surveys
410.320	Standard Frequency
410.330	Service Connections

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SUBPART E: EXTENSION OF LINES

Section
410-400 Application of Subpart E
410-410 Extension Provisions

AUTHORITY: Implementing Sections 8-301, 8-302, 8-501, 9-201, 10-101, 10-107, 16-115(d)(4) and (e)(4), 16-115A(a)(1) and (b), 16-116(b), 16-123, and 17-300(b) of the Public Utilities Act [220 ILCS 5/8-301, 8-302, 8-501, 9-201, 10-101, 10-107, 16-115(d)(4) and (e)(4), 16-115A(a)(1) and (b), 16-116(b), 16-123, and 17-300(b)].

SOURCE: Effective August 1, 1948; amended at 5 Ill. Reg. 6805, effective June 12, 1981; codified at 8 Ill. Reg. 12183, amended at 10 Ill. Reg. 148, effective December 23, 1985; amended at 11 Ill. Reg. 8964, effective May 1, 1987; emergency amendment at 13 Ill. Reg. 16563, effective October 10, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 3454, effective March 1, 1990; amended at 16 Ill. Reg. 2544, effective February 1, 1992; amended at 19 Ill. Reg. 2804, effective April 1, 1995; emergency amendment at 22 Ill. Reg. 11215, effective June 10, 1998 for a maximum of 150 days; amended at 22 Ill. Reg. 20087, effective November 7, 1998; old Part repealed, new Part adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 410.10 Definitions

"Acceptance testing" means the approval of a group of meters based on statistical testing procedures.

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Applicant" means anyone who requests a line extension from an entity providing distribution services.

"Answer time" means a measurement from the point the last digit of the entity's telephone number is dialed or, if a menu-driven system is used, from the point the last menu digit is dialed by the subscriber and the call is answered by the entity.

"Average error" means the difference between 100% and the average percent registration as defined in Section 410.150(d).

"Billing multiplier" means the number by which a meter register reading is multiplied to obtain actual usage data. The billing

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multiplier shall include the transformer multiplier and meter multiplier.

"Commission" means the Illinois Commerce Commission.

"Commission referee test" means the accuracy test of any customer's electric meter made in the presence of one or more members of Commission Staff.

"Complaint" means an objection made to an entity, by a customer or another entity, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Creep" means a continuous apparent accumulation of energy in a meter with voltage applied and the load terminals open circuited.

"Customer" has the same meaning as "retail customer."

"Demand" means the electric consumption at the point of delivery measured over a specified interval of time in order to estimate the instantaneous electric load.

"Deposit" means an amount paid by an applicant for service to an entity providing distribution services that is intended to cover any line extension expenses that exceed the free limits allowed.

"Electric cooperative" means the same as that term is defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4].

"Electric utility" has the same meaning as defined in Section 3-105 of the Act [220 ILCS 5/3-105].

"Entity", as used in this Part, shall mean each electric utility while providing services within its service area, each electric utility while providing electric power and energy outside its service area, any alternative retail electric supplier providing services subject to this Part 410, and any electric cooperative or municipal system but only when it provides services as an ARRS outside its service territory.

"Instrument transformer" means a transformer used for metering that reproduces in its secondary circuit, in a definite and known proportion, the voltage or current of its primary circuit, with the phase relation substantially preserved.

"Meter multiplier" means the number (other than one) by which the meter register reading is multiplied to obtain meter data not adjusted for the effect of instrument transformation on the calculated amount

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of actual usage.

"Meter shop" means a facility containing equipment used by an entity for determining the accuracy of meters.

"Metering service" means the performance of functions related to the provision, installation, testing, maintenance, repair and reading of electric meters used for billing of retail customers and maintaining meter usage data as well as the maintenance and management of meter information and meter data with respect to those meters.

"Municipal system" means any public utility owned and operated by any political subdivision or municipal corporation of the State of Illinois, or owned by such an entity and operated by any lessee or agent of that entity.

"Phase-shifting transformer" means an assembly of one or more transformers intended to be connected to a poly-phase circuit so as to provide voltages in the proper phase relations for energizing metering equipment.

"Point of delivery" means the point at which the entity providing distribution facilities connects its lines or equipment to the lines or facilities owned or rented by the customer, without regard to the location or ownership of transformers, substations or meters, unless otherwise provided for by written contract or tariffs.

"Portable standards" means instruments such as watt-hour meters, voltmeters, and ammeters that are used outside the meter shop to test customer meters.

"Reference standards" means instruments (e.g., watt-hour meters, voltmeters, and ammeters) that are used only for verifying the accuracy of working or portable standards, and whose accuracy is traceable back to the national standard maintained by the National Institute of Standards and Technology or its successor.

"Retail customer" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Service watt-hour meter" means an electricity meter used for billing retail customers and maintaining meter usage data that measures and registers the integral, with respect to time, of the real power that flows in the circuit to which the meter is connected. This also includes meters that measure demand in watts.

"Test amps" means the electrical current used during meter accuracy testing as designated by the manufacturer and displayed on the meter.

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"Transformer multiplier" means the product of the current transformer ratio multiplied by the potential transformer ratio when instrument transformers are part of a metering installation.

"Var-hour meter" means an electricity meter that measures and registers the integral, with respect to time, of the reactive power of the circuit in which it is connected. This includes meters that measure demand in vars.

"Working standards" means instruments (e.g., test benches and demand boards) that are used in meter shops to test the accuracy of customer meters.

Section 410.20 Application

This Part sets forth minimum requirements and shall apply to any entity in this State. This Part shall not apply to any electric cooperative nor to a municipal system when operating within its service territory. Records required by this Part shall be retained as set forth in 83 Ill. Adm. Code 420, unless longer periods of retention are stated in this Part.

Section 410.30 Exemption or Modification

Any entity may file an application requesting modification of or exemption from any Section of this Part as that Section applies to the entity filing the application. Upon showing that the modification or exemption is economically and technically sound and will not compromise safety, reliability or the service obligations of the entity, the Commission may grant a request for modification or exemption. A petition for exemption or modification shall be filed pursuant to 83 Ill. Adm. Code 200 and shall set forth specific reasons and facts in support of the requested exemption or modification.

Section 410.40 Complaints

- a) Each entity shall investigate each complaint received. The receipt of all written complaints shall be acknowledged in writing or verbally.
- b) Each complaint received by an entity shall be documented, and any records required by this Part shall be made available to Commission personnel upon request. Each record shall contain, at a minimum, the name and address of the complainant, the time of day and the date received, the nature of the complaint, the result of the investigation and/or analysis, when and by whom conducted, the final disposition of the complaint, and the date of disposition.
- c) Records of complaints related to voltage regulation or accuracy of metering equipment or data, other than requests for meter rereads, shall be kept in the following manner. Each entity receiving complaints shall keep an index or file containing all those complaints

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for three years, separated by year. If the entity chooses to maintain an index of complaints, it shall contain enough information to allow access to individual records of each complaint.

Section 410.45 Customer Call Centers

- a) Each entity shall maintain a customer call center where customers can reach a representative and receive current information. At least once every six months, each entity shall provide written information to customers explaining how to contact the call center. The average answer time for calls placed to the call center shall not exceed 60 seconds where a representative or automated system is ready to render assistance and/or accept information to process calls. The abandon rate for calls placed to the call center shall not exceed ten percent. Each entity shall maintain records of the call center's telephone answer time performance and abandon call rate. These records shall be kept for a minimum of two years and shall be made available to Commission personnel upon request. In the event that answer times and/or abandon rates exceed the limits established above, the reporting entity may provide the Commission with explanatory details. At a minimum, these records shall contain the following information in monthly increments:
 - 1) Total number of calls received;
 - 2) Number of calls answered;
 - 3) Average answer time;
 - 4) Number of abandoned calls; and
 - 5) Abandon call rate.
- b) Entities that do not have electronic answering capability that meets the requirements of subsection (a) shall notify the Commission's Consumer Service Division within 30 days after the effective date of this Part and work with Staff to develop individualized reporting requirements as to the call volume and responsiveness of the call center.
- c) On or before March 1 of every year, each entity shall file a report for the preceding calendar year on its answer time and abandon call rate for its call center as described in subsection (a) above with the Chief Clerk of the Commission. A copy of the report shall be sent to the Manager of the Consumer Services Division.

SUPPART B: ELECTRIC METERING STANDARDS

Section 410.100 Application of Subpart B

This Subpart applies to all entities that are providing metering service. Each entity shall be responsible for ensuring that its meters and metering service comply with these requirements.

Section 410.110 Meter Records

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- a) Each entity shall keep records that contain the following information about each service watt-hour meter and var-hour meter the entity owns or has in service:
 - 1) manufacturer, and date of purchase, along with any testing data provided by the manufacturer that is used by the entity for acceptance testing of the meter;
 - 2) manufacturer or entity identification number;
 - 3) nameplate data, including:
 - A) form designation or circuit description;
 - B) "watt-hour meter" or other description;
 - C) manufacturer's name or trademark;
 - D) manufacturer's type;
 - E) electrical current class;
 - F) rated voltage;
 - G) number of wires;
 - H) frequency;
 - I) test amperes;
 - J) watt-hour meter constant;
 - K) watt-hour meter test constant (if applicable);
 - 4) date and place of present or most recent installation (entities that do not already retain this information on meters removed from service must begin keeping this information starting with all meters installed or removed from service after January 1, 2001);
 - 5) date and type of last major repair, or of final disposition; and
 - 6) accuracy of each meter in accordance with the testing policies set forth in this Subpart, including:
 - A) date of test;
 - B) reason for test;
 - C) reading and accuracy of meter as found and as left;
 - D) creep test results, if applicable;
 - E) identification of person performing test; and
 - F) identification of equipment used to test meter.
- b) Each entity shall keep records of tests of the accuracy of each of its service watt-hour meters installed in this State until superseded by a later test, but not less than three years. Each entity shall keep all other records required by subsection (a) for not less than three years.
- c) Each entity having service watt-hour meters installed in this State shall compile a report of the results of all meter accuracy tests required by this Part at least once each year. This report shall include the number of meters tested and the number of meters that tested outside of accuracy limits for each of the following categories: sample testing, periodic testing, and at customer request. These tabulations shall be kept on file for not less than 8 years.
- d) Each entity having instrument transformers in service in this State shall maintain a record for each instrument transformer that includes the manufacturer's name or trademark, type, and serial number. Each

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instrument transformer placed in service will be marked with the same information. Each entity shall also retain a record of the most recent accuracy test of each instrument transformer for at least as long as the instrument transformer is in service.

- e) Each entity having phase-shifting transformers in service in this State shall maintain a record for each phase-shifting transformer that includes the manufacturer's name or trademark, type, and serial number. Each phase-shifting transformer placed in service will be marked with the same information. Each entity shall retain a record of the accuracy of each such phase-shifting transformer for as long as the phase-shifting transformer is in service.

Section 410.120 Metering Service Requirements

- a) Each service watt-hour meter shall have a register or display on the front of the meter that displays energy consumption in a definite and known proportion to the actual energy consumption of that customer; is plainly visible; and can be read by the customer. This requirement may be waived in writing by the customer. This requirement shall not affect the entity's right to secure meters for safety reasons or in situations in which the meter is subject to excessive risk of damage or tampering. At the customer's request, a representative for the entity providing metering service shall explain to the customer how to read the meter used for billing that customer.

- b) If a billing multiplier is used to calculate customer usage, the entity shall mark the billing multiplier on the front of the meter (or other location on the metering installation where the multiplier is plainly visible) and identify it as a billing multiplier at the time of installation or test, using a permanent marking method. Any entity providing instrument transformers shall mark any multiplier based on instrument transformer ratios on all new installations, and shall mark the multiplier on all existing installations when periodic meter testing is performed on the meter at that installation. The billing multiplier shall include the transformer multiplier and meter multiplier.

- c) No meter shall be installed that is known to be mechanically or electrically defective, or that has not been tested in accordance with this Subpart and shown to comply with the accuracy requirements in this Subpart.

- d) Meters shall be installed so as to be accessible to metering personnel for reading, testing, and making adjustments and repairs.

- e) Meters installed after January 1, 2001 shall, at a minimum, meet the standards set forth in Section 4.7 of the American National Standards Institute's (ANSI) Code for Electricity Metering (1995 edition, approved June 12, 1995, published by the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rosslyn, Virginia 22209). This incorporation does not include any later amendment or edition.

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- f) Each entity may refuse to install a meter or to serve a customer if, in the entity's judgment, the customer's installation is hazardous or of such character that satisfactory service cannot be provided. In case of refusal, the entity shall inform the customer in writing of the reason for refusal to render service and notify the entity providing distribution services and the customer within 24 hours by telephone or in person.

Section 410.130 Separate Metering

- a) Except as otherwise provided in this Section, a separate meter shall be used to measure the electricity that is consumed within, and controlled by the occupant of, each individual unit contained in new building, newly remodeled portion of an existing building, or new mobile home park for which a building permit was obtained on or after November 1, 1981, or, if no permit was required, for which construction was commenced on or after November 1, 1981. Separately metered consumption shall be used as the basis for billing the occupant of the individual unit as a separate customer.

- b) Definitions--For purposes of this Section, the following definitions shall apply:

- 1) "Individual unit" means each portion of a building that is separately leased, rented or owned.
- 2) "Control" means the ability of the occupant of an individual unit to determine the timing and amount of electricity consumed. Electricity used for central space heating, central water heating, central ventilation or central air conditioning systems is not "controlled" by the occupant of the individual unit.
- 3) "Remodeled portion of a building" means each area in which interior alterations are made that are required by local code or ordinance.
- 4) "Mobile home park" means contiguous parcels of land used for the accommodation of occupied mobile homes.
- 5) "Multi-unit building" means buildings with more than four individual units.

- c) Exceptions--Separate metering and billing of electricity shall not be required for the following:

- 1) Units within buildings normally considered to be temporary dwellings, such as motels, dormitories, health care facilities and nursing homes.
- 2) Residential units that do not have kitchen and bathroom facilities separate from common use facilities.
- 3) Portions of buildings in which separate metering is impractical, such as concession stands in lobbies, and individual offices that share office service areas.
- 4) Buildings for which space heating is provided by electric lighting and thereby qualify for service under Heat With Light rates.

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- 5) Multiple-unit buildings that are designated as congregate, assisted-living care facilities for elderly or handicapped persons.
- d) The provisions contained in this Section are minimum requirements and shall not prohibit any electric utility from filing tariffs that impose additional restrictions on the use of master metering.
- e) Waiver--Any applicant for electric service who is refused master metered service by an entity, and who has exhausted his remedies in the informal complaint process set forth by the Commission (83 Ill. Adm. Code 200.160), may file a formal complaint (83 Ill. Adm. Code 200.170) with the Commission seeking a waiver from the requirements of this Section or the corresponding rules of the entity. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200) and shall name the entity as a Respondent. The complaint shall allege that the long-run benefits of separate metering are outweighed by the associated costs or that separate metering would otherwise be impractical or unreasonable.

Section 410.140 Testing Facilities and Equipment

- a) Each entity shall provide a meter shop adequately equipped with reference standards, instruments and other facilities, equipment, and personnel necessary to make the tests required of the entity by this Part. Each entity shall provide working standards and portable standards necessary to make the tests required of the entity by this Part. All apparatus and equipment shall be available at all times during the entity's established business hours for the inspection or use by Commission Staff or their representatives. Any entity that tests meters outside the State shall take precautions to insure that the meters are not damaged while being transported to or from the meter shop.
- b) Each entity shall verify the accuracy of all reference standards at least once every twelve months. If the comparison indicates that the reference standard is in error by more than 0.5% on any combination on which it will be used, the entity shall adjust the standard to reduce the inaccuracy, if possible. In any case, the entity shall apply the correction indicated by the certificate or calibration card accompanying the instrument (pursuant to subsection (d)).
- c) When in use for testing meters, all solid state working and portable standards shall be compared against reference standards at least once every six months. All other working and portable standards used regularly for testing meters shall be compared against a reference standard at least once every month. When working and portable standards are used for purposes other than testing meters, they shall be compared against a reference standard at least once each year. If found in error by more than 0.5%, the entity shall adjust the instrument to read within the specified limits or shall apply the proper correction factor.

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- d) Each working, portable, or reference standard shall be accompanied at all times by a certificate or calibration card signed or initialed by the person responsible for the calibration giving the date and results of the last calibration of the instrument. The entity shall keep any superseded certificates or calibration cards on file for three years.
- e) Commission Staff or a representative may check or establish the accuracy of all testing equipment owned by each entity, as well as the methods of operation of testing equipment. Commission Staff shall perform an audit of each entity's testing equipment and methods at least every three years.

Section 410.150 Meter Accuracy Requirements

- a) The accuracy of service watt-hour meters shall be determined using the following criteria:
- 1) Light Load test: 10% of test amps at 100% power factor;
 - 2) Heavy Load test: 100% of test amps at 100% power factor; and
 - 3) Power Factor test: 100% of test amps at 50% lagging power factor. The power factor test is only required on meter shop tests.
- b) Accuracy limits:
- 1) On any test of a service watt-hour meter, the meter shall be left so adjusted that the error shall not be in excess of the following:
 - A) Average error: 1% fast or slow
 - B) Error at heavy load: 1% fast or slow
 - C) Error at light load: 1% fast or slow.
 - D) Error at power factor: 2% fast or slow.
 - 2) Meters shall not be deliberately set in error by any amount.
- c) Each entity shall test a service watt-hour meter for creeping at the time it makes any accuracy test of that meter if the percent registration at light load deviates by greater than 2% from the percent registration at heavy load. No service watt-hour meter found to creep shall be placed in service or allowed to remain in service in that condition.
- d) The average percent registration of a watt-hour meter shall be determined by adding the light load registration to four times the heavy load registration and dividing that quantity by five.
- e) Demand meters, when tested on the loads specified in this Section, shall be adjusted, if necessary, to meet the following requirements:
- 1) Demand Meters other than Lagged Demand Meters:
 - A) Electrical element--Error shall not exceed that specified for service watt-hour meters in this Section.
 - B) Timing element--When used to measure time interval only, error shall not exceed 2%. When used also to keep a record of time of day at which the demand occurs, error shall not exceed 0.25%.
 - 2) The demand error for lagged demand meters shall not exceed 3% of

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full scale indication.

Section 410.151 Installation and Removal of Lagged Demand Meters

Lagged demand meters shall not be installed after January 31, 2001. All lagged demand meters shall be removed from service by January 31, 2008.

Section 410.155 Installation Inspections

Within 90 days after installation or exchange of any meter with associated instrument transformers and/or phase-shifting transformers at a new or re-wired metering location, a post-installation inspection shall be made under load to determine if the meter is accurately measuring customer energy consumption. Where the installation includes potential transformers, the inspection shall be performed by someone other than the original installer.

Section 410.160 Initial Tests

Initial tests are tests made before installation, regardless of whether the meter and associated devices have previously been in service. Each meter and associated devices (unless included in the sample testing plan in Section 410.180) shall be inspected and tested in the meter shop of the entity or other location that meets the requirements of this part before being placed in service, and the accuracy of the meter shall be within the tolerances permitted by this Part. If a meter is removed from a customer's premises, except for field testing, it must be tested and inspected as described above before it is placed in service again. If creep or inaccuracy is discovered in a meter removed from service, the entity shall correct the metering data as detailed in Section 410.200.

Section 410.170 Accuracy Testing of Meters

- a) Each service watt-hour meter and var-hour meter shall be inspected and tested according to the schedule in subsection (b). At the time a service watt-hour meter or var-hour meter is tested, any demand meter associated with it shall be inspected or tested. Each demand meter shall be tested at least as often as the meter with which it is associated and, as nearly as practicable, at the same time. If the service watt-hour meter is of the type in which the same element that measures watt-hours is used to measure demand, then the watt-hour test and the demand test shall be considered to be one and the same.
- b) Alternating current service watt-hour meters and associated var-hour meters shall be tested according to the following schedule:
 - 1) Self-contained single-phase and three-wire network meters:
 - A) Non-demand:
 - i) 1 year; or
 - ii) 8 years;
 - B) Demand:
 - i) with pulse-operated electronic demand registers: 4 years;
 - ii) with surge-proof magnets or solid state: 8 years.
 - 2) Self-contained single-phase and three-wire network meters:
 - A) Non-demand:
 - i) with surge-proof magnets: 8 years;
 - ii) without surge-proof magnets: 4 years;
 - B) Demand:
 - i) Mechanical meters with pulse-operated electronic demand registers: 4 years;
 - ii) with surge proof magnets or solid state: 8 years.
 - 3) Transformer-rated poly-phase meters: 8 years.

Section 410.180 Sample Testing Procedures

- a) Any entity that chooses to use sample testing shall use the procedures prescribed in any of the following documents (alone or in combination) to sample test nondemand self-contained single-phase or three-wire network meters.
 - 1) ANSI/ASQC 21.4-1993 "Sampling Procedures and Tables for Inspection by Attributes", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee, WI 53202. No later amendment or editions are incorporated.
 - 2) ANSI/ASQC 21.9-1993 "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee, WI 53202. No later amendment or editions are incorporated.
 - 3) Military Standard 414 "Sampling Procedures and Tables for Inspection by Variables", approved May 8, 1968, Defense Automation and Production Service, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111-5094. No later amendment or editions are incorporated.
 - 4) Military Standard 105 "Sampling Procedures and Tables for Inspection by Attributes", approved May 10, 1989, Defense Automation and Production Service, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111-5094. No later amendment or editions are incorporated.
 - 5) If, on the effective date of this Part, an entity does not already use sample testing in accordance with subsection (a)(1) or (a)(2), the entity must begin to sample test in accordance with subsection (a)(1) or (a)(2), starting with the earlier of either the entity upgrading to a new sample testing tracking program or January 2010.
 - 6) If, on the effective date of this Part, an entity does use sample testing in accordance with subsection (a)(1) or (a)(2), that entity shall continue to use a sample testing program in

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- accordance with subsection (a)(1) or (a)(2):
- b) The entity shall divide the meter population into homogeneous groups consisting of meters of the same basic type and purpose. A sample shall be taken each year from each homogeneous group.
 - c) A minimum acceptable quality level of 2.5% shall be adopted as part of each entity's sampling plan.
 - d) Each entity shall perform 100% testing on all used or remanufactured meters purchased.
 - e) Each entity using sample testing shall file a yearly report no later than March 31 of the following year with the Chief Clerk of the Commission and provide a copy to the Manager of the Energy Division or any successor detailing the sample plan used in the previous year, along with the results of the testing program.

Section 410.190 Meter Tests Requested by Customer

- a) Upon customer request, the entity providing metering service to that customer shall test the customer's meter within 30 days after receiving the request, unless the customer agrees to a later time. The meter test shall be performed between 7 a.m. and 4 p.m. Monday through Friday, excluding holidays, unless some other time is agreed upon by the entity and the customer. The test shall be performed at the meter installation location and in the customer's presence, unless the customer gives consent for the meter to be removed and/or tested outside the customer's presence.
- b) If the customer's meter has been tested at the request of another entity or the customer while in service at the same location within the past six months, the entity may provide the results of that test in reply to the customer's request in lieu of the test specified in subsection (a).
- c) An entity shall not require any payment from the customer for a meter test, unless a test has been performed on that meter at that customer's request within the previous twelve months, or information has been provided as in subsection (b) within the past six months. In such cases, the customer shall be required to pay \$40 to the entity. The entity shall refund the \$40 deposit to the customer if the entity finds that the meter over-registers by more than 2%.

- d) Commission referee tests
 - 1) Upon written application to the Commission by any customer, the entity providing metering service shall test the customer's meter within 30 days after receiving notice of the written request from the Commission, unless the customer agrees to a later time. The application for a Commission referee test shall be accompanied by a fee of \$20. The entity shall conduct this test under the supervision of a representative of the Commission.
 - 2) On receipt of the request from a customer, the Commission shall notify the entity. After the entity has received notice that application has been made for a referee test, the entity shall

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- not disturb the meter in any way, unless the customer or the Commission gives written permission for the meter to be removed.
- 3) The entity shall furnish to the Commission's representative such assistance as may be required to make the test. The representative of the Commission shall make a written report of the results of the test to the customer within 30 days after the test.
 - 4) If upon test the meter is found to over-register by more than 2%, the entity shall reimburse the customer the amount paid to the Commission for the test. The entity shall also make any necessary metering data adjustment.
 - e) No entity shall be required to perform more than two tests of the same meter installed at the same location at customer request within a twelve month period, unless a Commission referee test is requested. After a Commission referee test, the entity shall not be required to test the same meter for a period of at least twelve months.

Section 410.195 Meter Tests Requested by Entity

- a) Upon another interested entity's request, the entity providing metering service shall test the meter within 30 days after receiving the request, unless the requesting entity agrees to a later time. The meter test shall be performed between 7 a.m. and 4 p.m. Monday through Friday, excluding holidays, unless some other time is agreed upon by the entities. The test shall be performed at the meter installation location and in the presence of a representative of the requesting entity, unless the requesting entity gives consent for the meter to be removed and/or tested without the representative's presence.
- b) If the meter has been tested at the request of another party while in service at the same location within the past six months, the entity may provide the results of that test in reply to the entity's request in lieu of the test specified in subsection (a).
- c) Meter tests requested by other entities may be performed at any time agreeable to both entities if the customer's electrical service will not be interrupted by the test. If the customer's electrical service will be interrupted by the test, the testing entity or requesting entity must obtain permission from the affected customer to interrupt the service before the test is performed.
- d) The entity requesting the meter test shall be required to pay the actual cost of performing the test (not to exceed \$250) to the entity performing the test. The entity performing the test shall refund the payment to the other entity if the meter over-registers by more than 2%. No entity shall induce a customer to request a meter test on behalf of that entity to avoid paying the actual cost of the meter test.
- e) The entity providing metering service shall not be required to provide more than one test on the same meter at the same location more than once every three years at the request of another entity, unless the

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other entity requests a Commission referee test.

- f) If an entity requests a Commission referee test, the requesting entity shall pay \$20 to the Commission and the actual cost of the test (not to exceed \$250) to the entity providing metering service. If the meter over-registers by more than 2%, the entity providing metering service shall refund both fees to the requesting entity, and shall make any necessary meter data adjustment. The entity providing metering service shall not be required to provide a Commission referee test on the same meter at the same location more than once every twelve months.

SUBPART C: CUSTOMER INFORMATION

Section 410.200 Corrections and Adjustments for Meter Error

- a) Whenever any test made by any entity or by the Commission shows a meter to have an average error of more than 2%, a correction of the metering data shall be determined by the entity providing metering service and that correction must be conveyed within 3 business days to the retail customer and to other entities involved in billing the retail customer.
- b) When a meter is found to have an average error of more than 2%, the entity providing metering service will determine the metering data correction using the actual percentage of error as determined by the test, not the difference between the allowable error and the error found as a result of a test.
- c) If the meter is found to run faster than allowable, the entity providing metering service shall determine the correction to the metering data for that meter. In determining the correction it shall be presumed, unless demonstrated otherwise, that the inaccuracy has existed for a period of two years. This period of presumed inaccuracy shall not exceed the time for which records of the current customer's usage exist.
- d) If the meter is found to be slower than allowable, the entity providing metering service shall determine the correction to the metering data for that meter. In determining the correction, it shall be presumed, unless demonstrated otherwise, that the inaccuracy has existed for a period of one year prior to the test for small commercial and residential customers and two years prior to the test for all other customers.
- e) In the case of a non-registering meter that has been read during the period of non-registration, the entity providing metering service shall not determine a correction to metering data for estimated consumption extending over more than twice the regular interval between readings.
- f) No corrections to metering data for meter error shall extend beyond the in-service date of the meter discovered to be in error, nor shall any correction be required to extend beyond the date upon which the current customer first occupied the premises at which the error is

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discovered.

- g) Whenever an entity or the Commission finds that a service watt-hour meter, while in service, exhibits "creep," the entity shall make an estimate of the registration caused by the creep during the period as specified under subsection (c) and shall make a corresponding correction in the metering data.
- h) Billing adjustments.
 - 1) For electric utilities. Any correction made to metering data for over-registration shall be accompanied by an adjustment to customer billing by any electric utility that rendered service that is affected during the period of adjustment. Corrections made to metering data for under-registration may be accompanied by an adjustment to a customer's billing. However, if an electric utility is providing metering service, in no case shall an adjustment to a customer's billing be made for under-registration if all testing and accuracy requirements of this Part have not been met.
 - 2) For entities other than electric utilities. Any correction to metering data made by any entity other than an electric utility and all records relating to the adjustment of the retail customer's billing or charges shall be kept for two years.
- i) Provisions of this Subpart do not apply to situations in which the customer's wires, meters or other service equipment have been tampered with and the customer enjoyed the benefit of the tampering.

Section 410.210 Information to Customers

- a) Bills rendered to retail customers for service shall clearly show at least the following:
 - 1) The date of the meter reading, the number of days in the billing period, the energy used, the meter constant if applicable, the type of service rendered, a complete description of the service, or rate classification under which the customer receives service, and the type of reading that was used in the bill calculation (such as actual, estimated or customer reading), and, for meters for which beginning and ending meter readings are used as billing determinants, the reading of the meter at the beginning and the reading of the meter at the end of the period for which the bill is rendered.
 - 2) In the event that a bill rendered to retail customers is not based on usage derived from meter readings, the bill must indicate the period of time for which the bill is rendered, the type of service rendered, and a complete description of the service or rate classification under which the customer receives service.
 - 3) The total amount of the bill and, when applicable, the following portions that make it up, listed vertically for easy readability:
 - A) the monthly customer charge or portion thereof;

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- B) the demand charges;
 - C) the cost of energy detailed by the energy used and the price per unit for each change in the unit price;
 - D) the cost of fuel adjustment;
 - E) any other applicable adjustments (other charges not under categories of charges but relating to services, energy, or other programs provided to customers by the entity);
 - F) State tax;
 - G) municipal tax;
 - H) infrastructure maintenance fee;
 - I) transition charge; and
 - J) optional services listed separately;
- 4) The due date of the bill.
 - 5) Definitions or explanations of any abbreviations and technical words used on the bill.
 - 6) The name and the toll-free telephone number of each service provider whose services to the customer appear on the bill.
 - 7) The average use per day for the period over which the bill is rendered and for the comparable period one year earlier, and an indication of the difference in temperatures between the two periods. If this information is not available for a customer, the bill shall so state.
 - b) Each entity, upon request by a customer, shall transmit at a minimum a statement of the actual consumption of energy by the customer at the customer's present billing address for each billing period during the immediately preceding twelve-month period for which that customer was receiving service.
 - c) All electric utilities shall have on file with the Commission a proposed tariff under Section 9-201 of the Public Utilities Act [220 ILCS 5/9-201] that contains a bill form complying with the requirements of subsection (a). Six months after the effective date of this Part, all billings shall comply with the requirements of subsection (a).
 - d) As mandated by Section 8-302 of the Act [220 ILCS 5/8-302], whenever a customer for whom an electric utility provides metering service provides the utility with a written request asking the meter reader to leave a card showing these meter readings and dates, the electric utility shall have its meter reader leave a card showing these meter readings and dates.
 - e) Each electric utility shall disclose to each of its customers information about the customer's service in a clear and concise manner. The disclosure shall contain the following minimum requirements:
 - 1) A description of the rates or charges for the rate classification under which the customer receives service;
 - 2) An identification and explanation of optional or experimental rates or classifications available to customers; and
 - 3) An identification and explanation of all charges that are not

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- related to costs incurred in service and the supply of energy to that customer.
- f) In addition, for customers served under the residential and commercial classifications, this disclosure statement shall contain the following:
 - 1) An explanation of the terms appearing on the customer's bill form; and
 - 2) An example of how to calculate a bill using the customer's existing rate.
 - g) Disclosure statements shall be provided:
 - 1) To each new customer, not later than 60 days after the date of commencement of service, through a billing insert, separate mailing or direct customer contact by a representative of the entity providing billing.
 - 2) To all affected customers in the event of a change in overall rate levels. The disclosure statement shall be transmitted, at a minimum, within the second complete billing cycle after the rates become effective following the issuance of a final order in any rate proceeding. If the disclosure is sent during a period in which proration occurs, a statement such as the following shall be incorporated in the text:

"This summary is being sent during a period in which proration occurs. Proration occurs when part of your bill is charged on old rates and part of your bill is charged on new rates. If an attempt is made to calculate your bill using this rate summary, your calculation will not yield the proper billing amount for this billing period, but will do so in subsequent months. We recommend that you retain this summary for future reference in computing proper billing amounts."
 - h) Each alternative retail electric supplier shall provide to all residential and small commercial customers, at least annually, a disclosure statement with the following information:
 - 1) the average monthly prices; and
 - 2) the terms and conditions of the products and services sold to the customer.
 - i) At least annually, each electric utility shall provide to small commercial and residential customers an identification and explanation of optional or experimental rates or classifications available to the customer.

SUBPART D: ELECTRIC SERVICE STANDARDS

Section 410.300 Voltage Regulation

- a) Standard voltage. Each entity supplying electrical energy for general use shall adopt a standard service voltage of 120 volts (when measured

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phase to neutral) and shall maintain the service voltage within the allowable variations from that value at all times.

- b) Allowable voltage variations. For service rendered at the standard service voltage, voltage variations as measured at any customer's point of delivery shall not exceed a maximum of 127 volts nor fall below a minimum of 113 volts for periods longer than two minutes in each instance. For service rendered at voltages other than the standard voltage value, voltage variations as measured at any customer's point of delivery shall not exceed 10% above or below the service voltage for a longer period than two minutes in each instance.
- c) Variations of voltage in excess of those specified above shall not be considered a violation of this Section if caused:

- 1) by operations of a retail customer in violation of an agreement with or the rules of the entity;
- 2) by the operation of apparatus on a retail customer's premises that results in large inrush currents;
- 3) by frequent and unavoidable fluctuations of short duration due to system operation; or
- 4) by acts of nature or other situations beyond the entity's control.

Section 410.310 Voltage Surveys

- a) Each entity shall make voltage surveys of its system to keep itself informed regarding the character of the service being furnished from the system. Such surveys may be made by recording instruments, analytical methods, or a combination of these methods.
- b) All charts or readings taken or analyses made in voltage surveys shall be retained for at least 5 years and kept in a systematic manner. The entity shall record the date, hour and place of the test, distance from the transformers, size of transformers, the instruments used, and the name of the persons making the test.
- c) For use in making voltage surveys, each entity shall provide portable recording voltmeters. These instruments shall be of a type and range suited to the voltage supplied.
- d) Each entity shall install and maintain recording voltmeters on its system to indicate the adequacy of voltage control methods and equipment.

Section 410.320 Standard Frequency

Each entity that supplies alternating current for use by retail customers in this State shall operate its equipment in a manner that the frequency of the alternating current maintained by the operation of the interconnected transmission systems is not degraded as a result of any action or lack of action on the part of the entity.

Section 410.330 Service Connections

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An entity providing distribution services shall furnish and install without charge a service connection of reasonable length from the distribution system to the point of delivery on the customer's property, unless otherwise provided for in the utilities' tariffs.

SUBPART E: EXTENSION OF LINES

Section 410.400 Application of Subpart E

This Subpart shall not apply to applicants for auxiliary, standby or temporary service. Each entity providing distribution services shall file line extension provisions with the Commission that set forth conditions and terms for provision of auxiliary, standby, or temporary service.

Section 410.410 Extension Provisions

- a) If an extension of an entity's distribution system is necessary in order to serve an applicant or group of applicants, the entity providing distribution services, upon written request for service by the applicants, shall make the necessary line extension. The line extension shall be made along a street, highway or other right-of-way to the nearest point adjacent to the point of delivery for the applicants. The applicant or group of applicants must agree to the provisions of this Section before the line extension is made.

- 1) The entity providing distribution services may file a line extension provision in conjunction with its rate schedule. If the entity providing distribution services files a line extension provision, that provision shall be worded so that the applicant will have a choice of obtaining the extension under the provision or obtaining the extension under subsections (b) and (c). If the line extension provision is permitted to become effective by the Commission, then the applicant may proceed under the line extension provision or under subsections (b) and (c).

- 2) Alternatively, the filed line extension provision may be in lieu of subsections (b) and (c) instead of an option; however, if the entity providing distribution services files a line extension provision in lieu of subsections (b) and (c), the line extension provision shall not become effective unless the entity providing distribution services demonstrates that the line extension provision is generally more favorable to applicants than the provisions of subsections (b) and (c). After specific action by the Commission by order, the line extension provision shall become effective.

b) Free extensions

- 1) If an extension of the entity's distribution system is necessary in order to serve an applicant or a group of applicants, the entity shall extend its line without charge for each applicant along the street, highway or other available right of way to the

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nearest point adjacent to the premises of the applicants, upon written request for service. If the entity believes the cost of providing the extension is excessive, the entity may file a request with the Commission for a modification of this requirement for a specific extension. The line extension furnished without charge shall be the cost equivalent of up to 250 feet of single-phase overhead line per customer and shall include any necessary delivery voltage transformer and its associated protective devices for each customer. No free extension shall be made from existing lines on which refunds are due from previous deposits. If a refund is due from a previous deposit, any further extension shall be made only upon the applicant making a deposit equal to the full estimated cost of the required additional extension.

- 2) If all or part of a line extension is made on existing poles and costs less than the cost of constructing the free extension described in subsection (b)(1), the entity shall not charge for the extension.

- c) Extension in excess of the free limit

- 1) If the cost of the line extension is greater than that allowed in subsection (b), the entity shall make the line extension and shall own, maintain, and replace the line extension upon agreement by the applicant or group of applicants to deposit with the entity an amount under the original or any subsequent extension, equal to the estimated cost of the extension above the free limits.

- 2) The cost of extensions in excess of the free limit, and any resulting deposits, shall be allocated among customers based on their respective share of the length of the line extension. Deposits will be refundable based on changed circumstances or shared use for a period of ten years from the date the line extension is placed in service.

- 3) In no case shall a refund exceed the original deposit.

- 4) If the premises of a customer are so located that they could be served by extending a parallel separate line at less cost than the amount of deposit that would be required from them for connection to the existing extension, the customer shall not be required to deposit in excess of the estimated cost of the separate line. The customer shall not share in any refunds so long as the deposit remains less than that of other depositors on the line extension.

- 5) Combining of rural service. For the purposes of determination of the deposits and refunds, a farm applicant whose premises include a number of buildings such as barns, employees houses, etc., for which electric service is desired may qualify as a single applicant, provided the farm applicant constructs the necessary facilities required to supply the various buildings from a mutually agreed upon point conveniently located near the entity's

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lines. This shall not be construed as including electric service to buildings occupied by a tenant who leases land or conducts a business separate from that of the land owner.

- 6) In the event an option is available for a line extension to a group of applicants, the decision of the majority of the applicants will determine which option is implemented.

- 7) Determination of deposit. The distance of the electrical equipment installation from the available primary or secondary circuit that is nearest to the route that normally would be used in making the extension that is on an available right-of-way shall be considered in determining whether an applicant is entitled to a free extension, and the cost of extending this circuit shall be used as the basis in determining the amount of deposit necessary in case the extension is above the free limit.

- d) Commission review. If the extension is of such length and the prospective business that may be developed by it is so meager as to make it doubtful whether the business from the extension would ever pay a fair compensation for its investment, operation, maintenance and replacement, or for other substantial reasons is unwarranted, the fact shall be reported to the Commission for investigation and determination as to the reasonableness of the extension.

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Proposed Action:
148.40 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's administrative rules pertaining to hospital services are necessary to update the rules regarding general clinic services. Because of outpatient reform measures that the Department has undertaken during the past two years, hospital-based general clinic services are now reimbursed on a fee-for-service basis or like other outpatient services under the rate methodology for Ambulatory Procedure Listing (APT) groupings, as described at Section 148.140. Therefore, text relating to general clinic services is being stricken from Section 148.40. These proposed amendments will not result in any budgetary changes.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|------------------------------------|
| 148.82 | Amendment | June 30, 2000 (24 Ill. Reg. 8789) |
| 148.120 | Amendment | March 31, 2000 (24 Ill. Reg. 5631) |
| 148.140 | Amendment | June 30, 2000 (24 Ill. Reg. 10051) |
| 148.295 | Amendment | June 30, 2000 (24 Ill. Reg. 10051) |
| 148.310 | Amendment | March 17, 2000 (24 Ill. Reg. 4053) |
| 148.310 | Amendment | June 30, 2000 (24 Ill. Reg. 10051) |
| 148.340 | Amendment | March 17, 2000 (24 Ill. Reg. 4053) |
| 148.350 | Repeal | March 17, 2000 (24 Ill. Reg. 4053) |
| 148.360 | Repeal | March 17, 2000 (24 Ill. Reg. 4053) |
| 148.370 | Amendment | March 17, 2000 (24 Ill. Reg. 4053) |
| 148.380 | Repeal | March 17, 2000 (24 Ill. Reg. 4053) |
| 148.390 | Amendment | March 17, 2000 (24 Ill. Reg. 4053) |
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:
- Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081
- The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].
- These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals that provide clinic services
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.
- The full text of the proposed amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Alternate Reimbursement Systems
148.200	Filing Cost Reports
148.210	Pre September 1, 1991 Admissions
148.220	Admissions Occurring on or after September 1, 1991
148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.240	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.250	Calculation and Definitions of Inpatient Per Diem Rates
148.260	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.270	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.280	Excellence in Academic Medicine Payments

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148.290	Adjustments and Reductions to Total Payments
148.295	Critical Hospital Adjustment Payment (CHAP)
148.296	Supplemental Critical Hospital Adjustment Payments (SCHAP)
148.297	Pediatric Outpatient Adjustment Payments
148.298	Pediatric Inpatient Adjustment Payments
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 7253, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

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111. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

Section 148.40 Special Requirements

- a) Inpatient Psychiatric Services
 - 1) Payment for inpatient hospital psychiatric services shall be made only to:
 - A) A hospital that is a general hospital, as defined in Section 148.25(b), with a functional unit, as defined in Section 148.25(c)(1), that specializes in, and is enrolled with the

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- Department to provide, psychiatric services; or
 - B) A hospital, as defined in Section 148.25(b), that holds a valid license as, and is enrolled with the Department as, a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1).
- 2) Inpatient psychiatric services are those services provided to patients who are in need of short-term acute inpatient hospitalization for active treatment of an emotional or mental disorder.
 - 3) Inpatient psychiatric services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
 - 4) Federal Medicaid regulations preclude payment for patients over 20 or under 65 years of age in any institution for Mental Diseases (IMD). Therefore, psychiatric hospitals may not receive reimbursement for services provided to patients over the age of 20 and under the age of 65. In the case of a patient receiving psychiatric services immediately preceding his/her 21st birthday, reimbursement for psychiatric services shall be provided until the earliest of the following:
 - A) The date the patient no longer requires the services; or
 - B) The date the patient reaches 22 years of age.
 - 5) A psychiatric hospital must be accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide services to program participants under 21 years of age or be Medicare certified to provide services to program participants 65 years of age and older. Distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute an interagency agreement with a DMHDD-operated mental health center (State-operated facilities) for coordination of services including, but not limited to, crisis screening and discharge planning to ensure linkage to aftercare services with private practitioners or community mental health services, as described in subsection (a)(6) below.
 - 6) Coordination of Care - Purpose. In accordance with subsection (a)(5) above, distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute a Coordination of Care Agreement in order to participate as a provider of inpatient psychiatric services. The Coordination of Care Agreement shall set forth an agreement between the DMHDD-operated mental health center (State-operated facility) and the hospital for the coordination of services, including but not limited to crisis screening and discharge planning to ensure efficient use of inpatient care. The agreement shall also set forth the manner in which linkage to aftercare services with community mental health agencies or private practitioners shall be carried out.

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7) Coordination of Care - General Provisions. The general provisions of the Coordination of Care Agreement described in subsection (a)(6) above are as follows:

A) The hospital shall agree, on a continuing basis, to comply with applicable licensing standards as contained in State laws or regulations and shall maintain accreditation by JCAHO;

B) The provider shall comply with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and regulations promulgated thereunder which prohibit discrimination on the grounds of sex, race, color, national origin or handicap;

C) The provider shall comply with the following applicable federal, State and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 U.S.C.A. 2000e (1981), 29 USC 654e-654f (1982), Ill. Rev. Stat. 1991, ch. 68, par. 101 et seq. [775 ILCS 25];

D) The Coordination of Care Agreement shall remain in effect until amended by mutual consent or cancelled in writing by either party having given thirty (30) days prior notification.

8) Coordination of Care - Special Requirements. The hospital shall:

A) Provide on its premises the facilities, staff, and programs for the diagnosis, admission, and treatment of persons who may require inpatient care and/or assessment of mental status, mental illness, emotional disability, and other psychiatric problems;

B) Notify the community mental health agency that serves the geographic area from which the recipient originated to allow the agency to prescribe the case prior to referring the individual to the designated State-operated facility. The community mental health agency's resources and other appropriate community alternatives shall be considered prior to making a referral to the State-operated facility for admission;

C) Complete any forms necessary and consistent with the Mental Health and Developmental Disabilities Code in the event of a referral for involuntary or judicial admission;

D) Notify the community mental health agency or private practitioner of the date and time of discharge and invite their participation in the discharge planning process;

E) Refer to the State-operated facility only those individuals for whom less restrictive alternatives are documented not to be appropriate at the time based on a clinical determination by the community mental health agency, a private practitioner (if applicable), or the hospital; and

F) Notify the State-operated facility prior to planned transfer

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of an individual and transfer the individual at such time as to assure arrival of the person prior to 11 a.m. Monday through Friday. In unusual situations, transfers may be made at other times after prior discussion between the hospital and the State-operated facility. The individual will only be transported to the State-operated facility when, based on a clinical determination, he/she is medically stable as determined by the transferring physician. A copy of the transfer summary from the hospital must accompany the recipient at the time of admission to the State-operated facility.

9) Coordination of Care - Special Requirements of the State-Operated Facility. The State-operated facility shall:

A) Admit individuals who have been screened as defined in the Coordination of Care Agreement and are appropriate for admission consistent with the provisions of the Mental Health and Developmental Disabilities Code.

B) Evaluate individuals for whom the hospital has executed a Petition and Certificate for involuntary/judicial admission consistent with the Mental Health and Developmental Disabilities Code.

C) Consider for admission voluntary individuals for whom less restrictive alternatives are documented not to be appropriate at the time, based on a clinical determination by the community mental health agency, private practitioner (if applicable), the hospital, or the State-operated facility.

10) A participating hospital not enrolled for inpatient psychiatric services may provide psychiatric care as a general inpatient service only on an emergency basis for a maximum period of 72 hours or in cases in which the psychiatric services are secondary to the services for which the period of hospitalization is approved.

b) Inpatient Rehabilitation Services

1) Payment for inpatient rehabilitation services shall be made only to a general hospital, as defined in Section 148.25(b), with a functional unit of the hospital, as defined in Section 148.25(c)(2), which specializes in, and is enrolled with the Department to provide, physical rehabilitation service or a hospital, as defined in 89 Ill. Adm. Code 149.50(c)(2), which holds a valid license as, and is enrolled with the Department as, a physical rehabilitation hospital.

2) The primary reason for hospitalization is to provide a structured program of comprehensive rehabilitation services, furnished by specialists, to the patient with a major handicap for the purpose of habituating or restoring the person to a realistic maximum level of functioning.

3) Inpatient rehabilitation services are not covered for Family and

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Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

- 4) For payment to be made, a rehabilitation facility, which includes a distinct part unit as described in Section 148.25(c)(2), must be certified by the Health Care Financing Administration for participation under the Medicare Program (Title XIII) and must be licensed and/or certified by the Illinois Department of Public Health to provide comprehensive physical rehabilitation services. Out-of-state hospitals that specialize in physical rehabilitation services must be licensed and/or certified to provide comprehensive physical rehabilitation services by the authorized licensing agency in the state in which the hospital is located.

- 5) A rehabilitation facility must meet the following criteria:
 - A) Have a full-time (at least 35 hours per week) director of rehabilitation; a participating general hospital with a functional rehabilitation unit must have a part-time (at least 20 hours per week) director of rehabilitation;
 - B) Have an organized medical staff;
 - C) Have available consultants qualified to perform services in appropriate specialties;
 - D) Have adequate space and equipment to provide comprehensive diagnostic and treatment services;
 - E) Maintain records of diagnosis, treatment progress (notations must be made at regular intervals) and functional results; and
 - F) Submit reports as required by the Department of Public Aid, arrangement with an appropriate entity or agency to provide, the following minimal services:
 - A) Full-time nursing services under the supervision of a registered nurse formally trained in rehabilitation nursing;
 - B) Full-time physical therapy and occupational therapy services; and
 - C) Social casework services as an integral part of the rehabilitation program.
- 7) A rehabilitation facility must have available the following minimal services:
 - A) Psychological evaluation services;
 - B) Prosthetic and orthotic services;
 - C) Vocational counseling;
 - D) Speech therapy;
 - E) Clinical laboratory and x-ray services; and
 - F) Pharmacy services.
- 8) The director of rehabilitation must meet the following criteria:
 - A) Provide services to the hospital and its patients as specified in subsection (b)(5) above;
 - B) Be a doctor of medicine or osteopathy;
 - C) Be licensed under State law to practice medicine or surgery;

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- and
 - D) Must have, after completing a one-year hospital internship, at least two years of training or experience in the medical management of inpatients requiring rehabilitation services.
- 9) Personnel of the rehabilitation facility must meet the following minimum standards:

- A) Physicians shall have unlimited licenses to practice medicine and surgery in the state in which they practice. Consultants shall be Board Qualified or Board Certified in their specialty.
 - B) Physical therapists shall be licensed by the Illinois Department of Professional Regulation.
 - C) Occupational therapists shall be licensed by the Illinois Department of Professional Regulation.
 - D) Registered nurses and licensed practical nurses shall be currently licensed by the Illinois Department of Professional Regulation or comparable licensing agency in the State in which the facility is located.
 - E) Social workers shall have completed two years of graduate training leading to a Master's degree in social work from an accredited graduate school of social work.
 - F) Psychologists shall have a Master's Degree in clinical psychology.
 - G) Vocational counselors shall have a Master's Degree in Rehabilitation Counseling, Psychology or Guidance from a school accredited by the North Central Association or its equivalent.
 - H) An orthotist or prosthetist, certified by the American Board of Certification in Orthotics and Prosthetics, shall fabricate or supervise the fabrication of all limbs and braces.
- c) End-Stage Renal Disease Treatment (ESRDT) Services. The Department provides payment to hospitals, as defined in Section 148.25(b), for ESRDT services only when the hospital is Medicare certified for ESRDT and services are provided as follows:
- 1) Inpatient hospital care is provided for the evaluation and treatment of acute renal disease;
 - 2) Outpatient chronic renal dialysis treatments are provided in the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, or a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR Part 405, Subpart U (1994), and the recipient is approved by the Illinois Department of Public Health (IDPH) or the Department of Health and Human Services (DHHS) as eligible for ESRDT services; or
 - 3) Home dialysis treatments are provided through the outpatient renal dialysis department of the hospital, a satellite unit of

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the hospital that is professionally associated with the center for medical direction and supervision, in a patient's home, or through a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR part 405, Subpart U (1994), and the recipient is approved by the Illinois Department of Public Health (IDPH) or the Department of Health and Human Services (DHHS) as eligible for ESRD services.

- d) Hospital-Based Organized Clinic Services. Hospital-based clinics, as described in Section 146.23(b)(4), must meet the requirements of 89 Ill. Adm. Code 140.46(a). The following two four categories of hospital-based organized clinic services are recognized in the Medical Assistance Program:

1) General Clinic Services. General clinic services are diagnostic, therapeutic, and palliative services provided under the direction of a physician who provides for the health care needs of persons who elect to use this type of service rather than another source of primary care, in order to participate as a provider of general clinic services, a hospital must meet the following requisites:

A) The hospital must be enrolled for participation in the Medical Assistance Program to provide general inpatient (category of service 30) and general outpatient (category of service 24) hospital services.

B) Personnel

1) The clinic must be organized as a distinct hospital department with a qualified, trained executive in charge of all activities and responsible to the administration of the hospital.

2) An advisory medical council must function to assist the executive officer in formulating policies for the management and care of clinic patients.

3) The qualifications of the medical staff of the clinic must meet the same requirements that apply to the hospital staff.

4) Nursing services must be provided by licensed nurses under the supervision of a registered professional nurse (RN) and

5) A dietitian must be available to instruct the patients regarding special diets and to plan with the patients in the buying and preparation of food.

C) Program

1) The program of the clinic must ensure the provision of comprehensive, high-quality, personalized, continuous health care services to its patients, which means that, at a minimum, the clinic must provide or contract for the services of a sufficient number of primary and specialty care physicians to meet the health needs of patients of the clinic and must have

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provisions made for the back-up care of patients when the clinic is not open.

2) The laboratory, x-ray, and special therapy services must be available for clinic patients as needed.

3) The pharmacy must be an integral part of the clinic organization and

4) The medical social services in the clinic must be integrated with those in the hospital.

B) Physical Setting and Equipment. The size, location, ventilation, and lighting of accommodations for interviewing, examining, and treating patients and appropriate equipment must be adequate to serve the number and needs of patients accepted by the clinic.

B) Records

1) Clinic records must accurately reflect the patient's condition and contain all significant facts bearing on the case, i.e., history, symptoms, and complaints, physical examination findings, laboratory and x-ray procedures, and medications ordered and their results.

2) The patient's response to treatment and the diagnosis must be given or recommended, and the patient's records must contain the dates of service and the name of the medical practitioner seeing the patient at the time of each clinic visit.

3) Psychiatric Clinic Services

A) Psychiatric Clinic Services (Type A). Type A psychiatric clinic services are clinic service packages consisting of diagnostic evaluation; individual, group and family therapy; medical control; optional Electroconvulsive Therapy (ECT); and counseling, provided in the hospital clinic setting for individuals through the age of 21.

B) Psychiatric Clinic Services (Type B). Type B psychiatric clinic services are active treatment programs in which the individual patient is participating in no less than social, recreational, and task-oriented activities at least four hours per day at a minimum of three half days of active treatment per week. The duration of an individual patient's participation in this treatment program is limited to six months in any twelve month period.

C) Coverage. Psychiatric clinic services are covered for all Medicaid-eligible individuals. The services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

D) Approval. The Illinois Department of Mental Health and Developmental Disabilities (DMHDD) and the Illinois Department of Public Aid (IDPA) are responsible for approval and enrollment of community hospitals providing psychiatric

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clinic services. In order to participate as a provider of psychiatric clinic services, a hospital must be enrolled for the provision of inpatient psychiatric services and execute a Psychiatric Clinic Services Type A and B Enrollment Assurance with DMHDD and the Department, which assures that the hospital is enrolled for the provision of inpatient psychiatric services and meets the following requisites:

- i) The hospital must be accredited by, and be in good standing with, the Joint Commission on Accreditation of Health Care Organizations (JCAHO);
- ii) The hospital must have executed a Coordination of Care Agreement between the hospital and the designated Illinois Department of Mental Health and Developmental Disabilities' State-operated facility serving the mentally ill in the appropriate geographic area;
- iii) The clinical staff of the psychiatric clinic must collaborate with the mental health service network to provide discharge, linkage and aftercare planning for recipients of outpatient services;
- iv) The hospital must agree to participate in Local Area Networks in compliance with P.L. 99-660 and P.A. 86-844; and
- v) The hospital must be enrolled to participate in Medicaid program (File XIX) and must meet all conditions and requirements set forth by the Illinois Department of Public Aid.

E) Duration of Approval. The approval described in subsection (d)(2)(D) above shall be in effect for a period of two years from the date IDPA approves the psychiatric client's enrollment. The approval may be terminated by IDPA or DMHDD with cause upon 30 days written notice to the hospital. Accordingly, the hospital must submit a 30 day written notification to IDPA and DMHDD when terminating delivery of psychiatric clinic services.

2) Physical Rehabilitation Clinic Services

A) Physical rehabilitation clinic services include the same rehabilitative services provided to inpatients by hospitals enrolled to provide the services described in Section 148.40(b). Clinic services should be utilized when the patient's condition is such that it does not necessitate inpatient care and adequate care and treatment can be obtained on an outpatient basis through the hospital's specialized clinic.

B) Physical rehabilitation clinic services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

e) Healthy Moms/Healthy Kids Managed Care Clinics. Healthy Moms/Healthy

Kids managed care clinics, as described in 89 Ill. Adm. Code 140.461(f) and Section 148.25(b)(5), must meet the requirements of 89 Ill. Adm. Code 140.461(f).

f) Transition to the Diagnosis Related Grouping Prospective Payment System (DRG PPS)

1) Effective with admissions occurring on or after September 1, 1991, and before October 1, 1992, hospitals shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.

2) Effective with admissions occurring on or after October 1, 1992, hospitals that, on August 31, 1991, had a contract in effect with the Department under the Illinois Health Finance Reform Act ~~§§ 1-10~~ ~~Rev-Stat-1991-ch-237-par-6501-1-et-seq-7~~ [320 ILCS 15] and that elected, effective September 1, 1991, to be reimbursed at rates stated in such contracts, may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care in accordance with subsection (g) of this Section.

3) In the case of a hospital that was determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b) shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient services during the rate period described in Section 148.25(g)(2)(A):

- A) the DRG PPS, as described in 89 Ill. Adm. Code 149, or
- B) the rate calculated under Section 148.260.

4) In the case of a hospital that was not determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), but was subsequently reclassified by the Department as a rural hospital, as described in Section 148.25(g)(3), on July 14, 1993, those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for the inpatient services provided on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A):

- A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
- B) the rate calculated under Section 148.260 that would have been in effect for the rate period described in Section 148.25(g)(2)(A) if the hospital had been designated as a sole community hospital on October 1, 1992.

5) For the rate periods described in Section 148.25(g)(2)(B), hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient

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admissions, or, if applicable, for inpatient services provided during such rate periods described in Section 148.25(g)(2)(B):

- A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
- B) the rate calculated under Section 148.260.

g) Annual Irrevocable Election

1) Hospitals described in subsections (f)(2) and (f)(3) above may elect to be reimbursed under the special arrangements described in subsections (f)(2) and (f)(3) above at the beginning of each rate period.

2) Hospitals described in subsection (f)(4) above may elect to be reimbursed under the special arrangements described in subsection (f)(4) above effective with admissions, or, if applicable, with inpatient services provided, on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A).

3) Hospitals described in subsection (f)(5) above may elect to be reimbursed under the special arrangements described in subsection (f)(5) above at the beginning of each rate period described in Section 148.25(g)(2)(B).

4) Once a sole community hospital elects to be reimbursed under the DRG PPS, it may not later in that rate period elect to be classified as exempt. Once a sole community hospital elects to be reimbursed as exempt, it may not later in that rate period elect to be reimbursed under the DRG PPS.

5) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care. Once such election has been made, the hospital may not later in that rate period year elect to be reimbursed under any other methodology.

6) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act and have elected to be reimbursed under the DRG PPS may not later elect to be reimbursed at rates stated in such contracts.

h) Notification of Reimbursement Methodology

1) Hospitals shall receive notification from the Department with respect to the reimbursement methodologies that shall be in effect for admissions occurring during the rate period.

2) Hospitals described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) above shall receive notification of their reimbursement options accompanied by a Choice of Reimbursement form. Each hospital described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) above shall have 30 days from the date of such notification to file, with the Department, the reimbursement method of choice for the rate period. In the event the Department has not received the hospital's Choice of Reimbursement form within 30 days from the date of notification, as described above, the hospital will automatically be reimbursed

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for the rate period under the reimbursement methodology that would have been in effect without benefit of the election described in subsection (g) above.

- i) Zero Balance Bills. The Department requires a hospital to submit a bill for any inpatient service provided to an Illinois Medicaid eligible person, including newborns, regardless of payor. A "zero balance bill" is one on which the total "prior payments" are equal to or exceed the Department's liability on the claim. The Department requires that zero balance bills be submitted subsequent to discharge in the same manner as are other bills so that the information can be available for the maintenance of accurate patient profiles and diagnosis-related grouping (DRG) data, and information needed for calculation of disproportionate share and other rates. The provisions of this subsection apply to all hospitals regardless of the reimbursement methodology under which they are reimbursed.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Numbers: Proposed Action: Amendment
510.250
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: A starter handicap race is not a claiming race, but claiming horses are eligible to enter. A claimed horse should not be subjected to the mandatory 25% raise because the racetrack will handicap the horses in a starter handicap race accordingly.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation
510.20 Amendment 24 Ill. Reg. 6856

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
312/814-5017

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: This rulemaking was not anticipated at the time of the regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510

CLAIMING RACES

Section

510.10 Definition
 510.20 Claiming Eligibility
 510.30 Form and Deposit of Claim
 510.40 Errors which Invalidate Claim
 510.50 Refund of Voided Claim
 510.60 Prohibited Action with Respect to Claim
 510.70 Horses under Lien
 510.80 Affidavit May be Required
 510.90 Claimant's Responsibility
 510.100 Claimed Horse's Certificate
 510.110 Engagements of a Claimed Horse
 510.120 Protests of a Claim
 510.130 Title to a Claimed Horse
 510.140 Distribution of the Purse
 510.150 Delivery of a Claimed Horse
 510.160 Trainer Responsibility for Post-Race Tests
 510.170 Excusing Claimed Horse
 510.180 Stable Eliminated by Fire or Other Hazard
 510.190 Entering Claimed Horse (Repealed)
 510.195 Determining Eligibility Dates
 510.200 Claimed Horse Racing Elsewhere
 510.210 Sale of a Claimed Horse
 510.220 Illinois Rules Govern Claimed Horse
 510.230 Extension of Regular Meeting (Repealed)
 510.240 Claiming Authorization
 510.250 Claiming Price

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911, amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective

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September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg.

_____, effective _____.

Section 510.250 Claiming Price

- a) For a period of 30 days after the claim of a thoroughbred horse, it shall not start in a race in which the eligibility price is less than 25% more than the price at which it was claimed.
- b) This Section shall not apply to starter handicap races.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: County Water Commission Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 630

3) Section Numbers: Proposed Action:
630.120 Amendment

4) Statutory Authority: 70 ILCS 3720

5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in a jurisdiction imposing the tax.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

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C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 630

COUNTY WATER COMMISSION RETAILERS' OCCUPATION TAX

Section	Nature and Rate of the County Water Commission Retailers' Occupation Tax
630.101	Exemptions from the County Water Commission Retailers' Occupation Tax
630.110	Registration and Returns
630.115	Claims to Recover Erroneously Paid Tax
630.120	Jurisdictional Questions
630.125	Incorporation of Retailers' Occupation Tax Regulations by Reference
630.130	Penalties, Interest and Procedures
630.135	Effective Date

AUTHORITY: Implementing Section 4(b) of the Water Commission Act of 1985 [70 ILCS 3720] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted at 13 Ill. Reg. 9362, effective June 6, 1989; amended at 15 Ill. Reg. 5762, effective April 5, 1991; amended at 24 Ill. Reg. _____, effective _____.

Section 630.120 Jurisdictional Questions

- a) Mere Solicitation of Orders not Doing Business
- 1) For a seller to incur County Water Commission Retailers' Occupation Tax liability in the territory of the Commission, the sale must be made in the course of such seller's engaging in the retail business within such territory. In other words, enough of the selling activity must occur within such territory to justify concluding that the seller is engaged in business within such territory with respect to that sale.
 - 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county or territory of the Commission as the taxing jurisdiction as much as to the State as the taxing jurisdiction.
- b) Seller's Acceptance of Order
- 1) Without attempting to anticipate every kind of fact situation

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that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the territory of the County Water Commission (Commission) which imposes the County Water Commission Retailers' Occupation Tax or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (f) and (g) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within such territory or by someone working out of such place of business, the seller incurs County Water Commission Retailers' Occupation Tax liability in such territory if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.

- 2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.
 - 3) Regardless of the place at which the purchase order is accepted, where tangible personal property is located within such territory at the time of its sale (or is subsequently produced in the territory) then delivered in Illinois to the purchaser, and no municipality or county outside such territory where the tangible personal property is located in this State would receive or would have the power to impose a County Water Commission Retailers' Occupation Tax with respect to such sale, the seller will be considered to be engaged in business in such territory for County Water Commission Retailers' Occupation Tax purposes with respect to such sale.
- c) Some Considerations Which are not Controlling
- 1) Delivery of the property within the territory to the purchaser is not necessary for the seller to incur County Water Commission Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercity commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the territory for the seller to be regarded as being engaged in the business of selling within the territory with respect to that sale.
 - 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs County Water Commission Retailers' Occupation Tax liability.

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Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the territory" in Section 4 of the Water Commission Act of 1985 refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made.

- d) Place of Business Where Long Term or Blanket Contracts are Involved Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for County Water Commission Retailers' Occupation Tax purposes with respect to such orders.

e) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

- f) Sales From Vehicles Carrying Uncommitted Stock of Goods The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made - the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

g) Sales of Coal or Other Minerals

- 1) For the purpose of determining whether the County Water Commission Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

- 3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, railroads or other carriers for their own use outside Illinois if the purchasing carrier takes delivery of the property

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- in the territory Illinois and transports it over its own line to an out-of-State destination.
- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (retail sale) is the final sale to the user, and the County Water Commission Retailers' Occupation Tax on the sale will be applicable if the retailer is located in such territory that imposes a County Water Commission Retailers' Occupation Tax.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Home Rule Municipal Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 270

3) Section Numbers: Proposed Action:
270.115 Amendment

4) Statutory Authority: 65 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in a jurisdiction imposing the tax.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

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C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 270

HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX

Section

- 270.101 Nature of the Home Rule Municipal Retailers' Occupation Tax
- 270.105 Registration and Returns
- 270.110 Claims to Recover Erroneously Paid Tax
- 270.115 Jurisdictional Questions
- 270.120 Incorporation of Retailers' Occupation Tax Regulations by Reference
- 270.125 Penalties, Interest and Procedures
- 270.130 Effective Date

AUTHORITY: Implementing the Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1] and authorized by Section 2506-15 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-15].

SOURCE: Adopted August 1, 1955; amended at 3 Ill. Reg. 44, p. 189, effective October 19, 1979; amended at 6 Ill. Reg. 2836, 2839 and 2841, effective March 3, 1982; codified at 6 Ill. Reg. 9681; amended at 15 Ill. Reg. 3507, effective February 21, 1991; amended at 24 Ill. Reg. 8111, effective May 26, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 270.115 Jurisdictional Questions

a) Mere Solicitation of Orders Not Doing Business

- 1) For a seller to incur Home Rule Municipal Retailers' Occupation Tax liability in a given home rule municipality, the sale must be made in the course of such seller's engaging in the retail business within such home rule municipality. In other words, enough of the selling activity must occur within the home rule municipality to justify concluding that the seller is engaged in business within the home rule municipality with respect to that sale.

- 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a home rule municipality as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

b) Seller's Acceptance of Order

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- 1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the municipality or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections Sections (f) and (g) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the home rule municipality or by someone working out of such place of business, the seller incurs Home Rule Municipal Retailers' Occupation Tax liability in that home rule municipality if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.
- 2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.
- 3) If a purchase order is accepted outside this State but the tangible personal property which is sold is in an inventory of the retailer located within a home rule municipality at the time of its sale (or is subsequently produced in the home rule municipality), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the home rule municipality ~~itself~~) will determine where the seller is engaged in business for Home Rule Municipal Retailers' Occupation Tax purposes with respect to such sale.

c) Some Considerations Which Are Not Controlling

- 1) Delivery of the property within the municipality to the purchaser is not necessary for the seller to incur Home Rule Municipal Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for interstate commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the home rule municipality for the seller to be regarded as being engaged in the business of selling within such home rule municipality with respect to that sale.
- 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Home Rule Municipal Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at

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which title passes) is not a decisive consideration since the phrase in the municipality in the Home Rule Municipal Retailers' Occupation Tax Act refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made.

- d) Place of Business Where Long Term or Blanket Contracts are Involved
Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Home Rule Municipal Retailers' Occupation Tax purposes with respect to such orders.

- e) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

- f) Sales From Vehicles Carrying Uncommitted Stock of Goods

The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made -- the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

- g) Sales of Coal or Other Minerals

1) For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

3) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than a common carrier by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the home rule municipality ~~itself~~ and transports it over its own line to an out-of-State destination.

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- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Home Rule Municipal, Non-Home Rule Municipal or Home Rule County Retailers' Occupation Tax on that sale will go to the home rule municipality, non-home rule municipality or home rule county where the retailer is located.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Hotel Operators' Occupation Tax Act

2) Code Citation: 86 Ill. Adm. Code 480

3) Section Numbers: Proposed Action:
480.101 Amendment

4) Statutory Authority: 35 ILCS 145

5) A Complete Description of the Subjects and Issues Involved: Clarifies the exemption based upon Federal treaty for rentals to certain diplomatic personnel.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hotel operators

B) Reporting, bookkeeping or other procedures required for compliance:
Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

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The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
 CHAPTER 1: DEPARTMENT OF REVENUE
 PART 480
 HOTEL OPERATORS' OCCUPATION TAX ACT

Section

480.101 Nature, Rate and Scope of the Tax
 480.105 Definitions
 480.110 Registration and Returns
 480.115 Books and Records
 480.120 Penalties, Interest and Procedures
 480.125 Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989; amended at 16 Ill. Reg. 3578, effective February 25, 1992; amended at 21 Ill. Reg. 2383, effective February 3, 1997; amended at 21 Ill. Reg. 13654, effective September 29, 1997; amended at 24 Ill. Reg. _____, effective _____.

Section 480.101 Nature, Rate and Scope of the Tax

a) Nature and Rate of Tax

- 1) The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 1% of 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from said gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of such hotel (i.e., from persons who occupy or have the right to occupy such rooms for at least thirty consecutive days).
- 2) There is also imposed an additional tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of 1% of 94% of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel.
- 3) A hotel is any kind of building in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. (For a more complete definition of "hotel," see Section 480.105 of this Part.)
- 4) The exclusion for permanent residents means that the tax is imposed on the business of renting rooms for use as living quarters, or for sleeping or housekeeping accommodations, where

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such renting is done on a transient basis.
 5) The tax is an occupation tax whose legal incidence is on the lessor of the rooms. Nevertheless, persons subject to the tax imposed by The Hotel Operators' Occupation Tax Act may reimburse themselves for their tax liability under the Act by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any locally imposed Hotel Operators' Occupation Tax.

6) Any amount added to a taxable rental charge and collected because of the tax also represents a portion of the gross rental receipts that are subject to the tax. However, the tax rate, instead of being a flat 6% of total receipts, has been adjusted by the General Assembly so as to be 5% of 94% plus 1% of 94% of total receipts, in order to avoid the payment of tax on amounts which are added to rental charges because of the tax.

b) Scope of the Tax--Examples of Taxability and Exemption

- 1) Since the Hotel Operators' Occupation Tax is imposed on receipts from renting rooms for living quarters, or for sleeping or housekeeping accommodations, the tax does not apply to the receipts from the renting of rooms for other purposes, such as for use as display rooms or sample rooms, as meeting rooms, as offices or as private dining rooms.
- 2) Since the tax is limited to the renting of rooms to the "public", a private club which restricts its renting of rooms to its members and their guests would not be liable for the tax on its rental receipts from such rooms.
- 3) The business of renting rooms to the public for use as living quarters, or for sleeping or housekeeping accommodations, is subject to the tax even if the person paying for the room may be a church, charity or school or some other kind of nonprofit organization, and even if the person paying for the room may be a governmental agency or instrumentality (Federal, State or local, or even a foreign government).
- 4) There is no exemption simply because the lessor of the rooms is a nonprofit organization, such as a church, charity or school. However, a college or other school is not subject to the tax on its receipts from renting rooms to its students for use as living quarters or for sleeping or housekeeping accommodations because this is not the renting of the rooms to the "public". Nevertheless, if the school rents rooms for such purposes to persons who are not enrolled with the school in courses of study for credit, such renting is not being done to students, but is being done to the "public", and the school incurs Hotel Operators' Occupation tax liability on its rental receipts from this activity, if such lessees do not qualify as permanent residents.
- 5) Likewise, the renting of rooms on a transient basis to the public for use as living quarters or sleeping or housekeeping

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accommodations where the lessor is a charitable organization, such as the Y.W.C.A. or the Y.W.C.A., is subject to The Hotel Operators' Occupation Tax.

- 6) If an operator should make a separate and specific charge for the use of bedding or other facilities furnished in connection with the use of a room as living quarters or for sleeping or housekeeping accommodations, the operator's additional receipts from this source are subject to The Hotel Operators' Occupation Tax. However, that tax does not apply to the operator's receipts from selling food, beverages or other tangible personal property, nor to receipts from the selling of tickets to theatre performances or other similar activities, nor to other receipts which are not in any way reasonably connected with or attributable to the renting, leasing or letting of rooms for use as living quarters or for sleeping or housekeeping accommodations: Provided that exemption for such nontaxable receipts cannot be claimed unless supported by proper books and records as provided for in Section 4 of The Hotel Operators' Occupation Tax Act and in Section 480.115 of this Part.

- 7) *The Hotel Operators' Occupation Tax is not imposed upon gross rental receipts for which the hotel operator is prohibited from obtaining reimbursement for the tax from the customer by reason of a federal treaty (Section 3 of the Act).* Under the Vienna Convention, some foreign diplomats are not required to pay reimbursement charges that are similar in nature to taxes. The exemption for rentals to certain diplomatic personnel applies only to diplomatic personnel possessing certain types of diplomatic tax exemption cards issued by the U.S. Department of State, Office of Foreign Missions. There are 2 types of diplomatic tax exemption cards: personal tax exemption cards and mission tax exemption cards. For each of these categories, 2 types of color-coded cards are issued: a blue-striped card that allows an individual or mission to make purchases exempt from all sales and use taxes and taxes on hotel rooms, and a striped card of one of several other colors (yellow, green, red, or red-green) that allows an individual or mission to make tax-exempt purchases in all purchase categories except for the restricted purchase categories printed on the colored stripe. For examples, see 86 Ill. Adm. Code 130.1115. Illustration A.

In documenting this exemption, a hotel operator must obtain the mission's name, the card holder's name, the exemption number, the expiration date, and the color of the stripe on the card, or a photocopy of the diplomatic card.

- c) How to Compute Applicable Tax Rate or Effective Date of New Tax
- 1) For the purposes of The Hotel Operators' Occupation Tax Act, any tax liability incurred in respect to the renting, leasing or letting of rooms in a hotel shall be computed by applying, to the gross receipts from such renting, leasing or letting, the tax

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rate in effect as of the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. Deposits paid in advance shall be deemed to be received as rental receipts when the specific room or rooms to which such deposit is applied as rent shall be deemed to be rented, leased or let within the meaning of the preceding sentence.

- 2) Likewise, when something that has been exempted becomes taxable as to room renting, leasing or letting that occurs on or after some particular date, the date of renting, leasing or letting for this purpose shall be deemed to be the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.2130 Amendment
- 4) Statutory Authority: 35 ILCS 5/502(f)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the provision for filing of composite Illinois income tax returns by partnerships and Subchapter S corporations on behalf of their partners and shareholders. The existing rule is amended to update the listing of addition and subtraction modifications allowed to partnerships and Subchapter S corporations in computing their Personal Property Tax Replacement Income Tax liabilities, but not to their partners and shareholders in computing the tax due on composite returns. This update includes the subtraction modification allowed to a Subchapter S corporation for the share of its income distributable to a shareholder subject to Personal Property Tax Replacement Income Tax, as enacted in Public Act 91-913. The rule is also amended to add statutory references for these addition and subtraction modifications, and to eliminate specific line references for these modifications to the Form IL-1065 Partnership Replacement Tax Return and the Form IL-1120-ST Small Business Corporation Replacement Tax Return, so that the rule need no longer be amended to correct these references whenever the forms are changed. Finally, the rule is amended to make express provision for Illinois resident partners and shareholders, who can be allowed to join in the filing of combined returns.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|----------------------------|
| 100.2000 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2100 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2101 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2130 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2160 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2170 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2240 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |
| 100.2250 | Amendment | 2/14/00, 24 Ill. Reg. 2190 |

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- 100.2300 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.2330 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.2580 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.2680 Repealed 2/14/00, 24 Ill. Reg. 2190
- 100.3010 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3020 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3110 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3200 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3210 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3220 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3300 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.3320 Repealed 2/14/00, 24 Ill. Reg. 2190
- 100.3360 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.5020 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.5030 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.5250 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7000 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7010 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7030 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7050 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7070 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.7090 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9010 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9300 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9310 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9505 Repealed 2/14/00, 24 Ill. Reg. 2190
- 100.9600 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.9700 Amendment 2/14/00, 24 Ill. Reg. 2190
- 100.2165 New Section 4/28/00, 24 Ill. Reg. 6637
- 10) Statement of Statewide Policy Objectives: The proposed amendments do not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:
- Paul Caselton
Deputy Chief Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62708
(217) 782-7055
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses affected: This rulemaking affects all partnerships and small business corporations that elect to file composite returns on behalf of their owners.
- B) Reporting, bookkeeping or other procedures required for compliance:
No new procedures are required.
- C) Types of professional skills necessary for compliance: No additional skills are required for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 96: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Introduction
Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of

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Aside for Charity (Repealed)
SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF
BASE INCOME

Section 100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section 100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

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Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
100.2310 Computation of the Illinois Net Loss Deduction
100.2320 Determination of the Amount of Illinois Net Loss Carryovers
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986
100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480 Enterprise zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES (Repealed)

Section 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set

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100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility

100.5110 Composite Returns: Responsibilities of Authorized Agent

100.5120 Composite Returns: Individual Liability

100.5130 Composite Returns: Required Forms and computation of Income

100.5140 Composite Returns: Estimated Payments

100.5150 Composite Returns: Tax, Penalties and Interest

100.5160 Composite Returns: Credit for Resident Individuals

100.5170 Composite Returns: Definition of a "Rloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns

100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns

100.5205 Election to File a Combined Return

100.5210 Procedures for Elective and Mandatory Filing of Combined Returns

100.5220 Designated Agent for the Members

100.5230 Combined Estimated Tax Payments

100.5240 Claims for Credit of Overpayments

100.5250 Liability for Combined Tax, Penalty and Interest

100.5260 Combined Amended Returns

100.5265 Common Taxable Year

100.5270 Computation of Combined Net Income and Tax

100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000 Requirement of Withholding (IITA Section 701)

100.7010 Compensation Paid in this State (IITA Section 701)

100.7020 Transacting Business Within this State (IITA Section 701)

100.7030 Payments to Residents (IITA Section 701)

100.7040 Employer Registration (IITA Section 701)

100.7050 Computation of Amount Withheld (IITA Section 701)

100.7060 Additional Withholding (IITA Section 701)

100.7070 Voluntary Withholding (IITA Section 701)

100.7080 Correction of Under withholding or Overwithholding (IITA Section 701)

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100.7090 Reciprocal Agreement (IITA Section 701)

100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100 Withholding Exemption (IITA Section 702)

100.7110 Withholding Exemption Certificate (IITA Section 702)

100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Withheld from Wages (IITA Section 704)

100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)

100.7320 Time for Filing Returns (IITA Section 704)

100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)

100.7340 Correction of Under withholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)

100.9010 Collection Authority (IITA Section 901)

100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)

100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)

100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 904)

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Section 603)

100.9320 Limitations on Notices of Deficiency (IITA Section 905)
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

Section
 100.9400 Credits and Refunds (IITA Section 909)
 100.9410 Limitations on Claims for Refund (IITA Section 911)
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section
 100.9500 Access to Books and Records (IITA Section 913)
 100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)
 100.9510 Taxpayer Representation and Practice Requirements
 100.9520 Conduct of Investigations and Hearings

SUBPART AA: JUDICIAL REVIEW

Section
 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section
 100.9700 Unitary Business Group Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section
 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment for Groups Which Include
 TABLE B Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ICFS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ICFS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 P. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981;

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amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4538, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART O: COMPOSITE RETURNS

Section 100.5130 Composite Returns: Required forms and computation of Income

a) Composite Returns of Partners and Shareholders

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1) Required form and information. Composite returns of shareholders and partners shall be filed using forms prescribed by the Department. The following information shall be attached to such composite returns: the name, address, social security number and amount of income apportionable and allocable to Illinois for each individual included in the composite return; and the computation of the proper amount of composite income reportable to Illinois.

2) Composite income. The amount of composite income apportionable and allocable to Illinois shall be the sum of the income earned or received for the taxable year from the authorized agent by the partners included in the composite return.

A) The in-the-case-of-nonresident-partners--their composite income of a partnership shall be computed by first computing the partnership's base income, and then including in composite income the entire partner share of such base income of each resident partner joining in the composite return and the partnership share of the portion of such base income allocable to Illinois per Form IL-1065 of each nonresident partner joining in the composite return.

However, the base income of the partnership for this purpose shall be computed without regard to the addition modification for--Illinois--Replacement--tax--deducted--in arriving at--line--1--(unmodified--base--income)--to addition--modification--for--guaranteed--payments--to partners--from--U.S.--Form--1065--line--10--the--addition modification--for--an amount equal to the--share--of--loss distributable--to--a--partner--subject--to--Illinois Replacement--tax--the--subtraction--modifications--for--the greater--of--personal--service--income--or--reasonable allowance--paid--or--accrued--to--partners--and--without regard--to--the--subtraction--modification--for--an amount equal to the--distributive--share--of--income--of a partner--if a--partner--is--subject--to--the--Illinois Replacement--tax--the--subtraction--modification--for enterprise--zone--or--foreign--trade--zone--sub--zone--dividends from--Schedule--299-A--and--the--subtraction--modification--for expenses--incurred--in--producing--certain--federally tax-exempt--income--the--partnership's--base--income apportionable--and--allocable--to--Illinois--will--then be multiplied by the percentage--of--the--total--distributive share--of--partnership--income--belonging--to--the--nonresident partners:

1) the addition modification under Section 203(d)(2)(C) of the IITA for guaranteed payments to partners other than those partners included in the composite return;

ii) the subtraction modification under Section 203(d)(2)(B) for personal service income or for a

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reasonable allowance for compensation paid or accrued to partners; or

iii) the subtraction (or addition) modification under Section 203(d)(2)(I) of the IITA for the share of income (or loss) distributable to a partner subject to Personal Property Tax Replacement Income Tax.

The authorized agent shall pay income tax on the composite income that is attributable to the partners included in the composite return and Personal Property Tax Replacement Income Tax on the portion of the composite income which is attributable to trusts included in the composite return.

B) The in-the-case-of-nonresident-shareholders--of-an-S corporation--their composite income of a Subchapter S corporation shall be computed by first computing the Subchapter S corporation's base income, and then including in composite income the entire share of such base income distributable to each resident shareholder joining in the composite return and the share of the portion of such base income allocable to Illinois per Form IL-1120-ST distributable to each nonresident shareholder. (line 1 of Part II of the Subchapter S corporation's IL-1120-ST)

However, the base income of the S corporation for this purpose shall be computed without regard to the addition modification for--Illinois--Replacement--tax--deducted--in arriving at--line--1--(unmodified--base--income)--and--the--foreign--trade--zone--sub--zone--dividends--from Schedule--299-A--the--subtraction--modification--for enterprise--zone--contributions--from--Schedule--299-A--the--subtraction--modification--for enterprise--zone--or--high impact--business--interest--from--Schedule--299-A--and the--subtraction--modification--for--expenses--incurred in--producing--certain--federally--tax-exempt--income--the--S--corporation's--base--income--apportionable--and--allocable--to--Illinois--will--then--be--multiplied--by--the percentage--of--the--total--S--corporation--income--belonging--to the--nonresident--shareholders:

1) the subtraction modification under Section 203(b)(2)(G) of the IITA for amounts included in federal taxable income under Section 78 of the Internal Revenue Code;

ii) the subtraction modification under Section 203(b)(2)(W) of the IITA for interest income from loans secured by property eligible for the Enterprise Zone Investment Credit;

iii) the subtraction modification under Section 203(b)(2)(W-1) of the IITA for interest income from loans secured by property eligible for the High Impact

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- iv) Business Investment Credit:
the subtraction modification under Section 203(b)(2)(N) of the IITA for contributions to eligible Enterprise Zone projects;
- v) the subtraction modification under Section 203(b)(2)(O) of the IITA for dividends received from foreign corporations;
- vi) the subtraction modification under Section 203(b)(2)(P) of the IITA for contributions to job training projects; or
- vii) the subtraction modification under Section 203(b)(2)(S) for the share of income (or loss) distributable to a shareholder subject to Personal Property Tax Replacement Income Tax.

The authorized agent will pay income tax on the amount of such composite income distributable to shareholders included in the composite return and pay Personal Property Tax Replacement Income Tax on the amount distributable to trusts included in the composite return.

- b) Composite returns of individuals transacting an insurance business under a Lloyds plan of operation.
- 1) Such composite returns shall be made on Form IL-1040.
 - 2) Such composite returns shall include an attachment computing the proper amount of composite income apportionable and allocable to Illinois as reported on the convention form annual statement filed with the Illinois Department of Insurance, which amount so computed will be multiplied by the Illinois tax rate for individuals (currently 2 1/2%), and the amount so obtained will be entered on the IL-1040. The composite income shall be computed without regard to any net operating loss deductions.
 - 3) The composite estimated tax vouchers (IL-1040-ES) and the composite returns shall be clearly marked "Composite Payment by Nonresident Individual Underwriters at Lloyd's, London" or "Composite Return by Nonresident Individual Underwriters at Lloyd's, London" in the top center of the voucher or return. The tax I.D. number on the voucher or return shall be left blank, and the payment or return shall be mailed to:

Document Perfection Section
Illinois Department of Revenue
Post Office Box 19014
Springfield, Illinois 62794-19014
- c) Standard exemption. The amount of composite income apportionable and allocable to Illinois shall not be reduced by the standard exemption (see Section 204(a) of the IITA).

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1) Heading of the Part: Metro East Mass Transit District Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 370

3) Section Numbers: Proposed Action:
370.115 Amendment

4) Statutory Authority: 70 ILCS 3610

5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in a jurisdiction imposing the tax.

B) Reporting, bookkeeping or other procedures required for compliance:

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Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 370

METRO EAST MASS TRANSIT DISTRICT
RETAILERS' OCCUPATION TAX

Section

- 370.101 Nature of a Metro East Mass Transit District Retailers' Occupation Tax
- 370.105 Registration and Returns
- 370.110 Claims to Recover Erroneously Paid Tax
- 370.115 Jurisdictional Questions
- 370.120 Incorporation of Retailers' Occupation Tax Regulations by Reference
- 370.125 Penalties, Interest and Procedures
- 370.130 Effective Date

AUTHORITY: Authorized by and implementing Section 5.01 of the Local Mass Transit District Act [70 ILCS 3610].

SOURCE: Adopted at 5 Ill. Reg. 5899, effective May 28, 1981; codified at 6 Ill. Reg. 9696; amended at 15 Ill. Reg. 5805, effective April 5, 1991; amended at 24 Ill. Reg. _____, effective _____.

Section 370.115 Jurisdictional Questions

a) Were Solicitation of Orders not Doing Business

- 1) For a seller to incur Metro East Mass Transit District Retailers' Occupation Tax liability in the district, the sale must be made in the course of such seller's engaging in the retail business within the district. In other words, enough of the selling activity must occur within the district to justify concluding that the seller is engaged in business within the district with respect to that sale.

- 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction, to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

b) Seller's Acceptance of Order

- 1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase

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order or other contracting action in the making of the sales contract is the most important single factor in the occupation of business. If the purchase order is accepted at the seller's place of selling within the district or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (f) and (g) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the district or by someone working out of such place of business, the seller incurs Metro East Mass Transit District Retailers' Occupation Tax liability in the district if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.

- 2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

- 3) If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the retailer located within the district at the time of its sale (or is subsequently produced in the region) then delivered in Illinois to the purchaser, the seller will be considered to be engaged in business in the district for Metro East Mass Transit District Retailers' Occupation Tax purposes with respect to such sale.

c) Some Considerations Which are not Controlling

- 1) Delivery of the property within the district to the purchaser is not necessary for the seller to incur Metro East Mass Transit District Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercity commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the district for the seller to be regarded as being engaged in the business of selling within the district with respect to that sale.

- 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Metro East Mass Transit District Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the district" in Section 5.01(b) of the Local Mass Transit District Act refers only to the location of the occupation of selling that is being taxed and not to the

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- d) place where sales may be made. **1

e) Place of business where Long Term or Blanket Contracts are Involved Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Metro East Mass Transit District Retailers' Occupation Tax purposes with respect to such orders.

f) Sales Through Vending Machines
The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

g) Sales From Vehicles Carrying Uncommitted Stock of Goods
The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made -- the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

h) Sales of Coal or Other Minerals
1) For the purpose of determining whether the Metro East Mass Transit District Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports

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- 4) it over its own line to an out-of-State destination.
A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Metro East Mass Transit District Retailers' Occupation Tax on the sale will be applicable if the retailer is located in the district.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

1**See Standard Oil Company vs. Department of Finance, et al., 383 Ill. 136, for a similar problem under the Retailers' Occupation Tax Act.

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- 1) Heading of the Part: Metro East Park and Recreation District Retailers' Occupation Tax

- 2) Code Citation: 86 Ill. Adm. Code 395

- 3) Section Numbers:
- | | |
|---------|-------------|
| 395.101 | New Section |
| 395.105 | New Section |
| 395.110 | New Section |
| 395.115 | New Section |
| 395.120 | New Section |
| 395.125 | New Section |
| 395.130 | New Section |

- 4) Statutory Authority: 20 ILCS 2505/2505-795

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking results from Public Act 91-103, effective July 13, 1999. P.A. 91-103 provides that each Metro-East county may, by resolution, elect to become a part of the Metro-East Park and Recreation District. The law authorizes each participating county, by front-door referendum, to impose a sales tax at a rate of one-tenth of 1% in the District. The Department is required to collect and administer this tax after it is approved.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rulemaking contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit their comments to:

Karl W. Betz
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

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- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers

- B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping or accounting.

- C) Types of professional skills necessary for compliance: Bookkeeping or accounting.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Rules begins on the next page:

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CHAPTER I: DEPARTMENT OF REVENUE
TITLE 86: REVENUE

PART 395

METRO-EAST PARK AND RECREATION DISTRICT RETAILERS' OCCUPATION TAX

Section
395.101

Nature of the Metro-East Park and Recreation District Retailers' Occupation Tax

395.105 Registration and Returns
395.110 Claims to Recover Erroneously Paid Tax
395.115 Jurisdictional Questions
395.120 Retailers' Occupation Tax Regulations
395.125 Penalties, Interest and Procedures
395.130 Effective Date

AUTHORITY: Implementing the Metro-East Park and Recreation District Act [70 ILCS 1605] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 395.101 Nature of the Metro-East Park and Recreation District Retailers' Occupation Tax

a) Authority to Impose Tax

The board of directors of the Metro-East Park and Recreation District are authorized by the Metro-East Park and Recreation District Act [70 ILCS 1605] to impose the Metro-East Park and Recreation District Retailers' Occupation Tax on all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property that is titled and registered by an agency of this State's government, at retail in the district on the gross receipts from sales made in the course of the business within the district, if a proposition for the tax has been submitted to the electors of the county that creates or joins the district and approved by a majority of those voting on the question. If imposed, the tax shall only be imposed at a rate of 1/10 of 1%. The tax may not be imposed on the sale of food for human consumption that is to be consumed on the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by the board of directors under the Metro-East Park and Recreation District Act and this Part, and all civil penalties that may be assessed as an incident of that Act and this Part, shall be collected and enforced by the Illinois Department

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b) Passing on the Tax
The legal incidence of the Metro-East Park and Recreation District Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Metro-East Park and Recreation District Act to reimburse themselves for their Metro-East Park and Recreation District Retailers' Occupation Tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to the bracket schedules the Department has prescribed (see 86 Ill. Adm. Code 150.0-Table A).

c) Exclusion from "Gross Receipts"

Any amount added to the selling price of tangible personal property by the seller because of a Metro-East Park and Recreation District Retailers' Occupation Tax, or because of the Illinois Retailers' Occupation Tax [35 ILCS 120], the Illinois Use Tax [35 ILCS 105], the Home Rule Municipal Retailers' Occupation Tax [65 ILCS 5/8-11-1], the Metro East Mass Transit Rule Retailers' Occupation Tax [70 ILCS 3610/5.01], or the Non-Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1.3], and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to the Metro-East Park and Recreation District Retailers' Occupation Tax.

Section 395.105 Registration and Returns

a) Separate Registration Not Required
A retailer's registration under the Illinois Retailers' Occupation Tax Act [35 ILCS 120] is sufficient for the Metro-East Park and Recreation District Act. No special registration for the Metro-East Park and Recreation District Retailers' Occupation Tax is required.

b) Requirements as to Returns

- 1) The information required for the Metro-East Park and Recreation District Retailers' Occupation Tax shall be furnished on the Retailers' Occupation Tax return form filed by the retailer.
- 2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report Metro-East Park and Recreation District Retailers' Occupation Tax information on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report Metro-East Park and Recreation District Tax information on the gross sales basis.

Section 395.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a

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transaction that was subject to State and local taxes administered by the Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited or otherwise processed as a single claim whenever possible. If approved, a single credit memorandum will be issued that may be used by the claimant or his authorized assignee to pay State or local tax liability as authorized in 86 Ill. Adm. Code 130.150(b)(1).

Section 395.115 Jurisdictional Questions

- a) District Defined
When used in this Part, "district" means the Metro-East Park and Recreation District created under the Metro-East Park and Recreation District Act.
- b) Mere Solicitation of Orders Not Doing Business
 - 1) For a seller to incur Metro-East Park and Recreation District Retailers' Occupation Tax liability in the district, the sale must be made in the course of the seller's engaging in the retail business within the district. In other words, enough of the selling activity must occur within the district to justify concluding that the seller is engaged in business within the district with respect to that sale.
 - 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where the orders were subject to acceptance outside the taxing jurisdiction and title passed outside the jurisdiction, with the goods being shipped from outside the jurisdiction to the purchaser in the jurisdiction, did not constitute engaging in the business of selling within the jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to the district as the taxing jurisdiction as much as to the State as the taxing jurisdiction.
- c) Seller's Acceptance of Order
 - 1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the district or by someone who is working out of that place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order that is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the district or by someone working out of that place of business, the seller incurs Metro-East Park and Recreation District Retailers' Occupation Tax liability in that district if the sale is at

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retail and the purchaser receives the physical possession of the property in Illinois. The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives the purchase order from the purchaser in the absence of clear proof to the contrary.

- 2) If a purchase order is accepted outside this State, but the tangible personal property that is sold is in an inventory of the retailer located within the district at the time of its sale (or is subsequently produced in the district), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the district) will determine where the seller is engaged in business for Metro-East Park and Recreation District Retailers' Occupation Tax purposes with respect to the sale.
- d) Some Considerations That Are Not Controlling
 - 1) Delivery of the property within the district to the purchaser is not necessary for the seller to incur Metro-East Park and Recreation District Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercity commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the district for the seller to be regarded as being engaged in the business of selling within the district with respect to that sale.
 - 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether the seller incurs Metro-East Park and Recreation District Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the district" in Section 30(a) of the Metro-East Park and Recreation District Act refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. (See Standard Oil Company vs. Department of Finance et al., 383 Ill. 136 (1934), for a similar problem under the Illinois Retailers' Occupation Tax Act.)
 - e) Place of Business Where Long Term or Blanket Contracts Are Involved
Under a long term blanket or master contract (though defined as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Metro-East Park and Recreation District Retailers' Occupation Tax purposes with respect to the orders.

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f) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when the sales are made.

g) Sales from Vehicles Carrying Uncommitted Stock of Goods

The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which the sales and deliveries happen to be made -- the vehicle carrying the stock of goods for sale being regarded as a portable place of business.

h) Sales of Coal or Other Minerals

For the purpose of determining the tax that is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.
- 2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports it to an out-of-State destination.
- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Metro-East Park and Recreation District Retailers' Occupation Tax on that sale will go to the jurisdiction where the retailer is located.

Section 395.120 Retailers' Occupation Tax Regulations

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax regulations (86 Ill. Adm. Code 130) that are not incompatible with the Metro-East Park and Recreation District Act or any special regulations that may be promulgated by the Department under that Act shall apply to the tax imposed pursuant to this Part.

Section 395.125 Penalties, Interest and Procedures

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

All penalties (both civil and criminal) and provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Metro-East Park and Recreation District Act as under the Illinois Retailers' Occupation Tax Act (35 ILCS 120).

Section 395.130 Effective Date

An ordinance imposing or discontinuing the Metro-East Park and Recreation District Retailers' Occupation Tax, or an ordinance extending the imposition of a tax, shall be adopted and a certified copy filed with the Department either:

- a) on or before the first day of April. After the filing the Department shall proceed to administer and enforce the tax as of the first day of July next following the filing; or
- b) on or before the first day of October. After the filing the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following the adoption and filing. is For purposes of determining which tax rate applies, the date of the sale is deemed to be the date of the delivery of the property.

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Metro-East Park and Recreation District Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 396

3) Section Numbers: Proposed Action:

396.101 New Section

396.105 New Section

396.110 New Section

396.115 New Section

396.120 New Section

396.125 New Section

396.130 New Section

4) Statutory Authority: 20 ILCS 2505/2505-795

5) A Complete Description of the Subjects and Issues Involved: This rulemaking results from Public Act 91-103, effective July 13, 1999. P.A. 91-103 provides that each Metro-East county may, by resolution, elect to become a part of the Metro-East Park and Recreation District. The law authorizes each participating county, by front-door referendum, to impose a sales tax at a rate of one-tenth of 1% in the District. The Department is required to collect and administer this tax after it is approved.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Karl W. Betz
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

DEPARTMENT OF REVENUE

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Servicemen

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping or accounting.

C) Types of professional skills necessary for compliance: Bookkeeping or accounting.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 396

METRO-EAST PARK AND RECREATION DISTRICT SERVICE OCCUPATION TAX

- Section 396.101 Nature of the Metro-East Park and Recreation District Service Occupation Tax
- 396.105 Registration and Returns
- 396.110 Claims to Recover Erroneously Paid Tax
- 396.115 Jurisdictional Questions
- 396.120 Service Occupation Tax Regulations
- 396.125 Penalties, Interest and Procedures
- 396.130 Effective Date

AUTHORITY: Implementing the Metro-East Park and Recreation District Act [70 ILCS 1605] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-795].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 396.101 Nature of the Metro-East Park and Recreation District Service Occupation Tax

- a) Authority to Impose Tax
- If a Metro-East Park and Recreation District Retailers' Occupation Tax is imposed under 86 Ill. Adm. Code 396, the board of directors of the Metro-East Park and Recreation District shall also impose a tax on persons engaged in the business of making sales of service within the Metro-East Park and Recreation District, if a proposition for the tax has been submitted to the electors of the county that creates or joins the district and approved by a majority of those voting on the question. If imposed, the tax shall only be imposed at a rate of 1/10 of 1%. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by the board of directors under the Metro-East Park and Recreation District Act and this Part, and all civil penalties that may be assessed as an incident of that Act and this Part, shall be collected and enforced by the Illinois Department of Revenue (Department).
- b) Passing on the Tax

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NOTICE OF PROPOSED RULES

The legal incidence of the Metro-East Park and Recreation District Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their Metro-East Park and Recreation District Service Occupation Tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act [35 ILCS 110], pursuant to the bracket schedules the Department has prescribed. (See 86 Ill. Adm. Code 150.Table A.)

c) Exclusion from "Cost Price"

Any amount added by a serviceman to the selling price of tangible personal property as an incident to service because of Metro-East Park and Recreation District Service Occupation Tax, or because of the Illinois Service Occupation Tax [35 ILCS 115], the Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-5], the Non-Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-4], the Metro East Mass Transit District Service Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Service Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Service Occupation Tax [70 ILCS 3720/4(c)], shall not be regarded as a part of the selling prices that are subject to the Metro-East Park and Recreation District Service Occupation Tax.

Section 396.105 Registration and Returns

- a) A serviceman's registration under the Service Occupation Tax Act [35 ILCS 115] or the Illinois Retailers' Occupation Tax Act [35 ILCS 120] is sufficient for the purposes of the Metro-East Park and Recreation District Act. No special registration for the Metro-East Park and Recreation District Service Occupation Tax is required.
- b) The information required for the Metro-East Park and Recreation District Service Occupation Tax shall be furnished on the taxpayer's Illinois Service Occupation Tax return form.

Section 396.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a transaction that was subject to State and local taxes administered by the Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited or otherwise processed as a single claim whenever possible. A single credit memorandum will be issued that may be used by the claimant or his authorized assignee to pay State or local tax liability as authorized in 86 Ill. Adm. Code 140.1505(b)(1).

Section 396.115 Jurisdictional Questions

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- a) When used in this Part, "district" means the Metro-East Park and Recreation District created under the Metro-East Park and Recreation District Act.
- b) If the Illinois Service Occupation Tax on a transaction is being remitted to the Department by the serviceman, the serviceman shall also pay Metro-East Park and Recreation District Service Occupation Tax to the Department on the same transaction if the serviceman's place of business is located in the district.

Section 396.120 Service Occupation Tax Regulations

To avoid needless repetition, the substance and provisions of all Service Occupation Tax Regulations (86 Ill. Adm. Code 140) that are not incompatible with the Metro-East Park and Recreation District Act or any special regulations that may be promulgated by the Department under that Act shall apply to the tax imposed pursuant to this Part.

Section 396.125 Penalties, Interest and Procedures

All penalties (both civil and criminal) and provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Metro-East Park and Recreation District Act as under the Service Occupation Tax Act.

Section 396.130 Effective Date

An ordinance or resolution imposing or discontinuing the Metro-East Park and Recreation District Service Occupation Tax, or an ordinance extending the imposition of a tax, shall be adopted and a certified copy filed with the Department either:

- a) on or before the first day of April. After the filing the Department shall proceed to administer and enforce the tax as of the first day of July next following the filing; or
- b) on or before the first day of October. After the filing the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following the adoption and filing.

For purposes of determining which tax rate applies, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property that the serviceman retransfers as an incident to service.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: Proposed Action:
500.240 Repeal
- 4) Statutory Authority: 35 ILCS 505
- 5) A Complete Description of the Subjects and Issues Involved: Repeals a Section that is no longer applicable due to the dyed diesel program that was implemented in accordance with Public Act 91-173.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6596
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000

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NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 500

MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section

500.100

500.101

500.102

Definitions

Definition of Receiver (Repealed)

Definition of Loss (Repealed)

SUBPART B: MOTOR FUEL TAX

Section

500.200

500.201

500.202

500.203

500.204

500.205

500.206

500.210

Basis and Rate of the Motor Fuel Tax

Licensee

Basis and Rate of Tax Payable by Receivers

Monthly Returns

Report of Loss of Motor Fuel

Daily Gallonage Record

Special Fuel Sold or Used for Non-Highway Purposes

Documentation of Tax-free Sales of Motor Fuel

Distributors and Suppliers

Documentation of Tax-free Sales of Fuel Made by Licensed Receivers

Vehicles of Distributors Transporting Petroleum Products (Repealed)

Other Vehicles (Repealed)

Motor Fuel Consumed by Distributors, Special Fuel Consumed by

Suppliers and Fuel Consumed by Receivers

Claims for Refund - Invoices

Sales of Special Fuel - Variation in Usage (Repealed)

Estimated Claims

Claimants Owning Motor Vehicles (Repealed)

Detailed Answers

Revocation of License, Etc. - Notice - Hearing

Distributors' and Suppliers' Claims for Credit or Refund

Receivers' Claims for Credit

Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit

Sales of Motor Fuel to Municipal Corporations Owning and Operating

Local Transportation Systems

Sales of Motor Fuel to Certain Privately-Owned Public Utilities

Owning and Operating Transportation Systems in Metropolitan Areas

When Purchaser's License Number With Department on Invoices Covering

Sales of Special Fuel is Required (Repealed)

Cost of Collection - Determination (Repealed)

Protest Procedures for Certain Penalties

500.285

500.290

500.295

500.297

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SUBPART C: MOTOR FUEL USE TAX

Section

- 500.300 Licensee
 500.301 Special Motor Fuel Permits and Decals (Repealed)
 500.302 Motor Carrier's Quarterly Report (Repealed)
 500.305 Licenses and Decals
 500.310 Display of Licenses and Decals
 500.315 Renewal of Decals and Licenses
 500.320 Single Trip Permits
 500.325 Licensure of Lessors and Lessees
 500.330 Cancellation of License
 500.335 Quarterly Payment and Reporting
 500.340 Credits and Refunds
 500.345 Records Requirements
 500.350 Revocation
 500.355 Protest Procedures
 500.360 Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

- 500.400 General Information
 500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section

- 500.500 Licenses and Permits Are Not Transferable
 500.501 Blenders' Permits Are Not Transferable (Repealed)
 500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section

- 500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 1327L, effective August 7, 1989, for a maximum of 150 days; emergency

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expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 24 Ill. Reg. 880, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 6918, January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: MOTOR FUEL TAX

Section 500.240 Sales of Special Fuel - Variation in Usage (Repealed)

When--Special--Fuel--is--delivered--into--the--fuel--supply--tank--of--self--propelled highway--construction--or--maintenance--equipment--which--will--be--used--in--a--dual capacity--both--for--the--improving--maintaining--or--repairing--of--highways--and--the propelling--of--equipment--to--and--from--the--job--site--a--certification--may--be--given by--the--purchaser--as--to--the--percentage--of--the--purchase--that--will--be--for--taxable use--(e.g., 90%--for--non-highway--use; 10%--for--highway--use)---in--lieu--of--any certification--as--to--the--percentage--of--the--purchase--representing--taxable--use-- the--Department--will--presume--that--not--less--than--10%--of--the--purchase--was--for--a taxable--highway--use--

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Non-Home Rule Municipal Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 693

<u>Section Numbers:</u>	<u>Proposed Action:</u>
693.101	New Section
693.105	New Section
693.110	New Section
693.115	New Section
693.120	New Section
693.125	New Section
693.130	New Section

4) Statutory Authority: 65 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: Implements Public Act 91-0649, which provides that on and after January 1, 2002, the corporate authorities of a non-home rule municipality are authorized to impose the Non-Home Rule Municipal Retailers' Occupation Tax.

6) Will this proposed rulemaking replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers in non-home rule municipalities that

DEPARTMENT OF REVENUE

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impose this tax.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 693

NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX

Section

- 105.101 Nature of the Non-Home Rule Municipal Retailers' Occupation Tax
 693.105 Registration and Returns
 693.110 Claims to Recover Erroneously Paid Tax
 693.115 Jurisdictional Questions
 693.120 Retailers' Occupation Tax Regulations
 693.125 Penalties, Interest and Procedures
 693.130 Effective Date

AUTHORITY: Implementing the Non-Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1.3] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505-95].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 693.101 Nature of the Non-Home Rule Municipal Retailers' Occupation Tax

- a) **Authority to Impose Tax**
 On and after January 1, 2002, the corporate authorities of a non-home rule municipality are authorized by the Non-Home Rule Municipal Retailers' Occupation Tax Act [5 ILCS 5/8-11-1.3] to impose the Non-Home Rule Municipal Retailers' Occupation Tax on all persons engaged in the business of selling tangible personal property other than an item of tangible personal property that is titled and registered by an agency of this State's government, at retail in the municipality on the gross receipts from sales made in the course of the business within the municipality, if a proposition for the tax has been submitted to the electors of that municipality and approved by a majority of those voting on the question. If imposed, the tax shall only be imposed at a rate of 1/2 of 1% for expenditure on public infrastructure as defined in Section 8-11-1.2 of the Illinois Municipal Code. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by the corporate authorities under the Non-Home Rule Municipal Retailers' Occupation Tax Act and this Part, and all civil penalties that may be assessed as an incident of that Act or this

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Part, shall be collected and enforced by the Illinois Department of Revenue (Department).

- b) Passing on the Tax.
 The legal incidence of the Non-Home Rule Municipal Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Non-Home Rule Municipal Retailers' Occupation Tax Act to reimburse themselves for their Non-Home Rule Municipal Retailers' Occupation Tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to the bracket schedules the Department has prescribed (see 86 Ill. Adm. Code 150-Table A).
 c) Exclusion from "Gross Receipts"
 Any amount added to the selling price of tangible personal property by the seller because of a Non-Home Rule Municipal Retailers' Occupation Tax, or because of the Illinois Retailers' Occupation Tax [35 ILCS 120], the Illinois Use Tax [35 ILCS 105], the Metro East Mass Transit District Retailers' Occupation Tax [70 ILCS 3610/5-01], the Regional Transportation Authority Retailers' Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Retailers' Occupation Tax [70 ILCS 3720/4(b)], and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to the Non-Home Rule Municipal Retailers' Occupation Tax.

Section 693.105 Registration and Returns

- a) **Separate Registration Not Required**
 A retailer's registration under the Illinois Retailers' Occupation Tax Act [35 ILCS 120] is sufficient for the Non-Home Rule Municipal Retailers' Occupation Tax Act. No special registration for the Non-Home Rule Municipal Retailers' Occupation Tax is required.
 b) **Requirements as to Returns**
 1) The information required for the Non-Home Rule Municipal Retailers' Occupation Tax shall be furnished on the Retailers' Occupation Tax return form filed by the retailer.
 2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report Non-Home Rule Municipal Retailers' Occupation Tax information in his returns on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report Non-Home Rule Municipal Retailers' Occupation Tax information in his returns on the gross sales basis.

Section 693.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a transaction that was subject to State and local taxes administered by the

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Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited, heard, or otherwise processed as a single claim whenever possible. A single credit memorandum will be issued that may be used by the claimant or his authorized assignee to pay State or local tax liability as authorized in 86 Ill. Adm. Code 130.1505(b)(1).

Section 693.115 Jurisdictional Questions

- a) Municipal and Municipality Defined
When used in this Part, "municipal" and "municipality" mean a city, village, or incorporated town, including an incorporated town that has superseded a civil township.
- b) Mere Solicitation of Orders Not Doing Business
1) For a seller to incur Non-Home Rule Municipal Retailers' Occupation Tax liability in a given municipality, the sale must be made in the course of the seller's engaging in the retail business within that municipality. In other words, enough of the selling activity must occur within the municipality to justify concluding that the seller is engaged in business within the municipality with respect to that sale.
2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where the orders were subject to acceptance outside the taxing jurisdiction and title passed outside the jurisdiction, with goods being shipped from outside the jurisdiction to the purchaser in the jurisdiction, did not constitute engaging in the business of selling within the jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to the municipality as the taxing jurisdiction as much as to the State as the taxing jurisdiction.
- c) Seller's Acceptance of Order
1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the municipality or by someone who is working out of that place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order that is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the municipality or by someone working out of that place of business, the seller incurs Non-Home Rule Municipal Retailers' Occupation Tax liability in that municipality if the sale is at retail and the purchaser receives the physical possession of the property in

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Illinois. The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives the purchase order from the purchaser in the absence of clear proof to the contrary.

- 2) If a purchase order is accepted outside this State, but the tangible personal property that is sold is in an inventory of the retailer located within the municipality at the time of its sale (or is subsequently produced in the municipality), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the municipality) will determine where the seller is engaged in business for Non-Home Rule Municipal Retailers' Occupation Tax purposes with respect to the sale.
- d) Some Considerations That Are Not Controlling
1) Delivery of the property within the municipality to the purchaser is not necessary for the seller to incur Non-Home Rule Municipal Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intermunicipality commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the municipality for the seller to be regarded as being engaged in the business of selling within the municipality with respect to that sale.
2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether the seller incurs Non-Home Rule Municipal Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in such municipality" in the Non-Home Rule Municipal Retailers' Occupation Tax Act refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. (See Standard Oil Company vs. Department of Finance et al., 303 Ill. 136 (1934), for a similar problem under the Illinois Retailers' Occupation Tax Act.)
- e) Place of Business Where Long Term or Blanket Contracts are Involved
Under a long term blanket or master contract that (though defined as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Non-Home Rule Municipal Retailers' Occupation Tax purposes with respect to the orders.
- f) Sales Through Vending Machines
The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when

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the sales are made.

- g) Sales from Vehicles Carrying Uncommitted Stock of Goods
The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which the sales and deliveries happen to be made -- the vehicle carrying the stock of goods for sale being regarded as a portable place of business.

- h) Sales of Coal or Other Minerals

For the purpose of determining the tax that is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use as "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel, and any other thing commonly regarded as a mineral and extracted from the earth.
- 2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the municipality and transports it to an out-of-State destination.
- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Non-Home Rule Municipal Retailers' Occupation Tax on that sale will go to the municipality where the retailer is located.

Section 693.120 Retailers' Occupation Tax Regulations

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax regulations (86 Ill. Adm. Code 130) that are not incompatible with the Non-Home Rule Municipal Retailers' Occupation Tax Act or any special regulations that may be promulgated by the Department under that Act shall apply to the tax imposed pursuant to this Part.

Section 693.125 Penalties, Interest and Procedures

All penalties (both civil and criminal) and provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting

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NOTICE OF PROPOSED RULES

hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Non-Home Rule Municipal Retailers' Occupation Tax Act as under the Illinois Retailers' Occupation Tax Act [35 ILCS 120].

Section 693.130 Effective Date

For enforcement of the Non-Home Rule Municipal Retailers' Occupation Tax on January 1, 2002, an ordinance or resolution imposing the tax shall be adopted and a certified copy filed with the Department no earlier than October 2, 2000 and no later than October 1, 2001. After the filing, the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January 2002. Thereafter, an ordinance or resolution imposing or discontinuing the Non-Home Rule Municipal Retailers' Occupation Tax shall be adopted and a certified copy filed with the Department on or before the first day of October. After the filing, the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following the adoption and filing. For purposes of determining which tax rate applies, the date of the sale is deemed to be the date of the delivery of the property.

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1) Heading of the Part: Non-Home Rule Municipal Service Occupation Tax2) Code Citation: 86 Ill. Adm. Code 6943) Section Numbers: Proposed Action:

694.101	New Section
694.105	New Section
694.110	New Section
694.115	New Section
694.120	New Section
694.125	New Section
694.130	New Section

4) Statutory Authority: 65 ILCS 5

5) A. Complete Description of the Subjects and Issues Involved: Implements Public Act 91-0649, which provides that on and after January 1, 2002, the corporate authorities of a non-home rule municipality are authorized to impose the Non-Home Rule Municipal Service Occupation Tax.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed rulemaking contain incorporations by reference? No9) Are there any other proposed rules pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Servicemen in non-home rule municipalities that

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impose this tax.

B) Reporting, bookkeeping or other procedures required for compliance: MinimalC) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 694

NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

Section

- 694.101 Nature of the Non-Home Rule Municipal Service Occupation Tax
- 694.105 Registration and Returns
- 694.110 Claims to Recover Erroneously Paid Tax
- 694.115 Jurisdictional Questions
- 694.120 Service Occupation Tax Regulations
- 694.125 Penalties, Interest and Procedures
- 694.130 Effective Date

AUTHORITY: Implementing the Non-Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-1.4] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 694.101 Nature of the Non-Home Rule Municipal Service Occupation Tax

a) Authority to Impose Tax

On and after January 1, 2002, the corporate authorities of a non-home rule municipality are authorized by the Non-Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-1.4] to impose the Non-Home Rule Municipal Service Occupation Tax on all persons engaged in the business of making sales of service in the municipality, if a proposition for the tax has been submitted to the electors of that municipality and approved by a majority of those voting on the question. If imposed, the tax shall only be imposed at a rate of 1/2 of 1% of the selling price of all tangible personal property transferred by the seller either in the form of tangible personal property or in the form of real estate as an incident to a sale of property for expenditure on public infrastructure as defined in Section 8-11-1.2 of the Illinois Municipal Code. The tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The tax imposed by the corporate authorities under the Non-Home Rule Municipal Service Occupation Tax Act and this part, and all civil penalties that may be assessed as an incident of that Act and this Part, shall be collected and enforced by the Illinois

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 694

NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

Section

- 694.101 Nature of the Non-Home Rule Municipal Service Occupation Tax
- 694.105 Registration and Returns
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- 694.125 Penalties, Interest and Procedures
- 694.130 Effective Date

b) Department of Revenue (Department).

The legal incidence of the Non-Home Rule Municipal Service Occupation Tax is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Non-Home Rule Municipal Service Occupation Tax Act to reimburse themselves for their Non-Home Rule Municipal Service Occupation Tax liability by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are required to collect under the Service Use Tax Act [35 ILCS 110], pursuant to the bracket schedules the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

Section 694.105 Registration and Returns

- a) A serviceman's registration under the Illinois Service Occupation Tax Act [35 ILCS 115] or the Illinois Retailer's Occupation Tax Act [35 ILCS 120] is sufficient for the Non-Home Rule Municipal Service Occupation Tax Act. No special registration for the Non-Home Rule Municipal Service Occupation Tax is required.
- b) The information required for the Non-Home Rule Municipal Service Occupation Tax shall be furnished on the taxpayer's Service Occupation Tax return form.

Section 694.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a transaction that was subject to State and local taxes administered by the Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited, heard, or otherwise processed as a single claim whenever possible. A single credit memorandum will be issued that may be used by the claimant or his authorized assignee to pay State or local tax liability as authorized in 86 Ill. Adm. Code 140.1505(b)(1).

Section 694.115 Jurisdictional Questions

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- a) When used in this Part, "municipal" and "municipality" mean a city, village, or incorporated town, including an incorporated town that has superseded a civil township.
- b) If the Illinois Service Occupation Tax on a transaction is being remitted to the Department by the serviceman, the serviceman shall also pay Non-Home Rule Service Occupation Tax to the Department on the same transaction if the serviceman's place of business is located in the municipality.

Section 694.120 Service Occupation Tax Regulations

To avoid needless repetition, the substance and provisions of all Service Occupation Tax regulations (86 Ill. Adm. Code 140) that are not incompatible with the Non-Home Rule Municipal Service Occupation Tax Act or any special regulations that may be promulgated by the Department under that Act shall apply to the tax imposed pursuant to this Part.

Section 694.125 Penalties, Interest and Procedures

All penalties (both civil and criminal) and provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Non-Home Rule Municipal Service Occupation Tax Act as under the Illinois Service Occupation Tax Act [35 ILCS 115].

Section 694.130 Effective Date

For enforcement of the Non-Home Rule Municipal Service Occupation Tax on January 1, 2002, an ordinance or resolution imposing the tax shall be adopted and a certified copy filed with the Department no earlier than October 2, 2000 and no later than October 1, 2001. After the filing the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January 2002. Thereafter, an ordinance or resolution imposing or discontinuing the Non-Home Rule Municipal Service Occupation Tax shall be adopted and a certified copy filed with the Department on or before the first day of October. After the filing the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following the adoption and filing. For purposes of determining which tax rate applies, the date of the sale of the service is deemed to be the date of the delivery, to the user, of the tangible personal property that the serviceman retransfers as an incident to service.

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regional Transportation Authority Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 320
- 3) Section Numbers:
320.115
Proposed Action:
Amendment
- 4) Statutory Authority: 70 ILCS 3615
- 5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in a jurisdiction imposing the tax.
 - B) Reporting, bookkeeping or other procedures required for compliance:

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NOTICE OF PROPOSED AMENDMENTS

Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 320

REGIONAL TRANSPORTATION AUTHORITY
RETAILERS' OCCUPATION TAX

Section
320.101

Nature of the Regional Transportation Authority Retailers' Occupation Tax

320.105 Registration and Returns

320.110 Claims to Recover Erroneously Paid Tax

320.115 Jurisdictional Questions

320.120 Incorporation of the Retailers' Occupation Tax Regulations by Reference

320.125 Penalties, Interest and Procedures

320.130 Effective Date

AUTHORITY: Authorized by and implementing Section 4.03 of the Regional Transportation Authority Act [70 ILCS 3615/4.03].

SOURCE: Adopted at 4 Ill. Reg. 28, P. 542, effective July 1, 1980; codified at 6 Ill. Reg. 9681; amended at 15 Ill. Reg. 6316, effective April 11, 1991; amended at 24 Ill. Reg. _____, effective _____.

Section 320.115 Jurisdictional Questions

a) Mere Solicitation of Orders not Doing Business

1) For a seller to incur Regional Transportation Authority Retailers' Occupation Tax liability in the metropolitan region, the sale must be made in the course of such seller's engaging in the retail business within the metropolitan region. In other words, enough of the selling activity must occur within the metropolitan region to justify concluding that the seller is engaged in business within the metropolitan region with respect to that sale. The same principles are applicable as to determining in which county of the metropolitan region a sale is made.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

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b) Seller's Acceptance of Order

- 1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of business. If the purchase order is accepted at the seller's place of business within the metropolitan region or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (f) and (g) of this Section **Regulation, Subsections (f) and (g) of this Section**, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the metropolitan region or by someone working out of such place of business, the seller incurs Regional Transportation Authority Retailers' Occupation Tax liability in the metropolitan region if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.
- 2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.
- 3) If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the retailer located within the metropolitan region at the time of its sale (or is subsequently produced in the region), then delivered in Illinois to the purchaser, the seller will be considered to be engaged in business in the metropolitan region for Regional Transportation Authority Retailers' Occupation Tax purposes with respect to such sale. The county in the region where the property is located at the time of sale (or subsequent production in a county in the metropolitan region) is determinative of the applicable Regional Transportation Authority Retailers' Occupation Tax rate.
- c) Some Considerations Which Are Not Controlling
 - 1) Delivery of the property within the metropolitan region to the purchaser is not necessary for the seller to incur Regional Transportation Authority Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercity commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the metropolitan region for the seller to be regarded as being engaged in the business of selling within the metropolitan region with respect to that sale.
 - 2) The point at which the tangible personal property will be used or

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- consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Regional Transportation Authority Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the metropolitan region" in Section 4.03(e) of the Regional Transportation Authority Act [70 ILCS 3615/4.03(e)] (1111--Rev--Stat--1989--ch-111-2/3-par-704-93) refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. **2
- d) Place of business where Long Term or Blanket Contracts are Involved
Under a long term blanket or master contract which (though defined as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Regional Transportation Authority Retailers' Occupation Tax purposes with respect to such orders.
 - e) Sales Through Vending Machines
The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.
 - f) Sales from Vehicles Carrying Uncommitted Stock of Goods
The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made -- the vehicle carrying such stock of goods for sale being regarded as a portable place of business.
 - g) Sales of Coal or other Minerals
 - 1) For the purpose of determining whether the Regional Transportation Authority Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth.
 - 2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and

2**See Standard Oil Company vs. Department of Finance, et al., 383 Ill. 136, for a similar problem under the Illinois Retailers' Occupation Tax Act.

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extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the metropolitan region ~~itself~~ and transports it over its own line to an out-of-State destination.
- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Regional Transportation Authority Retailers' Occupation Tax on the sale will be applicable if the retailer is located in the metropolitan region.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.101 Amendment
130.351 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) A Complete Description of the Subjects and Issues Involved: Amends the Retailers' Occupation Tax Act by providing that, beginning on July 1, 2000 and through December 31, 2000, the tax imposed upon motor fuel and gasoline is at the rate of 1.258. Provides examples of "motor fuel." Also provides that, beginning on July 1, 2000 and through December 31, 2000, the rate for prepayment of tax on motor fuel and gasoline is one cent per gallon.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.340	Amendment	2/18/00, 24 Ill. Reg. 2616
130.101	Amendment	2/25/00, 24 Ill. Reg. 3128
130.110	Amendment	2/25/00, 24 Ill. Reg. 3128
130.111	Amendment	2/25/00, 24 Ill. Reg. 3128
130.120	Amendment	2/25/00, 24 Ill. Reg. 3128
130.201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.205	Amendment	2/25/00, 24 Ill. Reg. 3128
130.215	Amendment	2/25/00, 24 Ill. Reg. 3128
130.220	Amendment	2/25/00, 24 Ill. Reg. 3128
130.225	New Section	2/25/00, 24 Ill. Reg. 3128
130.305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.315	Amendment	2/25/00, 24 Ill. Reg. 3128
130.320	Amendment	2/25/00, 24 Ill. Reg. 3128
130.321	Amendment	2/25/00, 24 Ill. Reg. 3128
130.330	Amendment	2/25/00, 24 Ill. Reg. 3128
130.330	Amendment	5/26/00, 24 Ill. Reg. 7617
130.331	Amendment	2/25/00, 24 Ill. Reg. 3128
130.335	Amendment	2/25/00, 24 Ill. Reg. 3128
130.345	Amendment	2/25/00, 24 Ill. Reg. 3128
130.350	Amendment	2/25/00, 24 Ill. Reg. 3128

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130.351	Amendment	2/25/00, 24 Ill. Reg. 3128
130.401	Amendment	2/25/00, 24 Ill. Reg. 3128
130.410	Amendment	2/25/00, 24 Ill. Reg. 3128
130.415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.425	Amendment	2/25/00, 24 Ill. Reg. 3128
130.435	Amendment	2/25/00, 24 Ill. Reg. 3128
130.445	Amendment	2/25/00, 24 Ill. Reg. 3128
130.535	Amendment	2/25/00, 24 Ill. Reg. 3128
130.540	Amendment	2/25/00, 24 Ill. Reg. 3128
130.701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.705	Amendment	2/25/00, 24 Ill. Reg. 3128
130.720	Amendment	2/25/00, 24 Ill. Reg. 3128
130.735	Amendment	2/25/00, 24 Ill. Reg. 3128
130.745	Amendment	2/25/00, 24 Ill. Reg. 3128
130.801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.805	Amendment	2/25/00, 24 Ill. Reg. 3128
130.815	Amendment	2/25/00, 24 Ill. Reg. 3128
130.901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.905	Amendment	2/25/00, 24 Ill. Reg. 3128
130.910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1001	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1401	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1405	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1501	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1515	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1915	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1925	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1930	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1935	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1940	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1960	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1965	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1971	New Section	2/25/00, 24 Ill. Reg. 3128
130.1975	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1980	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2000	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2005	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2009	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2010	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2015	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2020	Amendment	2/25/00, 24 Ill. Reg. 3128

DEPARTMENT OF REVENUE

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130.2035	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2045	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2055	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2060	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2065	Repeal	2/25/00, 24 Ill. Reg. 3128
130.2070	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2075	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2085	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2100	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2105	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2115	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2130	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2140	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2145	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2156	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2160	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2165	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2170	Amendment	2/25/00, 24 Ill. Reg. 3128
ILLUSTRATION A		
10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.		
11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to: Gina Roccaforte Illinois Department of Revenue Legal Services Office 101 West Jefferson Springfield, Illinois 62794 (217) 782-6996		
12) Initial Regulatory Flexibility Analysis: A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers of motor fuel B) Reporting, bookkeeping or other procedures required for compliance: Minimal C) Types of professional skills necessary for compliance: None 13) Regulatory Agenda on which this rulemaking was summarized: July 2000		

The full text of the Proposed Amendments is identical to the text of the

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NOTICE OF PROPOSED AMENDMENTS

Emergency Amendments published in this issue of the Illinois Register on page

11-31-6

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Special County Retailers' Occupation Tax for Public Safety

2) Code Citation: 86 Ill. Adm. Code 670

3) Section Numbers: Proposed Action:
670.115 Amendment

4) Statutory Authority: 55 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in a jurisdiction imposing the tax.

B) Reporting, bookkeeping or other procedures required for compliance:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Minimal

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: July 2000The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 670

SPECIAL COUNTY RETAILERS' OCCUPATION TAX FOR PUBLIC SAFETY

Section

670.101	Nature of the Special County Retailers' Occupation Tax For Public Safety
670.105	Registration and Returns
670.110	Claims to Recover Erroneously Paid Tax
670.115	Jurisdictional Questions
670.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
670.125	Penalties, Interest and Procedures
670.130	Effective Date

AUTHORITY: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].

SOURCE: Adopted at 20 Ill. Reg. 13065, effective September 24, 1996; amended at 22 Ill. Reg. 14926, effective August 3, 1998; amended at 24 Ill. Reg. 8140, effective May 26, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 670.115 Jurisdictional Questions

a) County Defined

When used in this Part, "county" includes all territory located within the county, including all territory within cities, villages or incorporated towns, including an incorporated town which has superseded a civil township.

b) Mere Solicitation of Orders not Doing Business

1) For a seller to incur Special County Retailers' Occupation Tax For Public Safety liability in a given county, the sale must be made in the course of such seller's engaging in the retail business within such county. In other words, enough of the selling activity must occur within the county to justify concluding that the seller is engaged in business within the county with respect to that sale.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion

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was reached independently of any question of interstate commerce and so would apply to a county as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

c) Seller's Acceptance of Order

1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the county or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the county or by someone working out of such place of business, the seller incurs Special County Retailers' Occupation Tax For Public Safety liability in the county if the sale is at retail and the purchaser receives the physical possession of the property in Illinois. The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

2) If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the seller located within a county of this State, and the property is subsequently produced in that county, then delivery in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the county #ifere), will determine where the seller is engaged in business for Special County Retailers' Occupation Tax For Public Safety purposes with respect to such sale.

d) Some Considerations that are not Controlling

1) Delivery of the property within the county to the purchaser is not necessary for the seller to incur Special County Retailers' Occupation Tax For Public Safety liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercounty commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the county for the seller to be regarded as being engaged in the business of selling within such county with respect to that sale.

2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs

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Special County Retailers' Occupation Tax For Public Safety liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the county" in the Special County Retailers' Occupation Tax For Public Safety Law refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. (See Standard Oil Company v. Department of Finance, et al., 383 Ill. 136 (1934), for a similar problem under the Illinois Retailers' Occupation Tax Act.)

e) Place of Business Where Long Term or Blanket Contracts are Involved Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Special County Retailers' Occupation Tax For Public Safety purposes with respect to such orders.

f) Sales through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

g) Sales from Vehicles Carrying Uncommitted Stock of Goods

The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries from stock) in which the stock of goods is being arranged for sale is the place at which such sales and deliveries happen to be made. The vehicle carrying such stock of goods for sale being regarded as a portable place of business.

h) Sales of Coal or Other Minerals

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend,

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however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the County of Illinois and transports it over its own line to an out-of-State destination.

- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Special County Retailers' Occupation Tax For Public Safety on that sale will go to the county where the retailer is located.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Proposed Action:
1540.150 Amendment
1540.250 Amendment
1540.330 Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) A Complete Description of the Subjects and Issues Involved: Section 1540.150 is being amended to define a dependent for purposes of receiving a reversionary annuity.

Section 1540.250(e) is being added as a result of passage of House Bill 1583 (Public Act 91-0887). This bill now allows a member to rearm after retirement and qualify the spouse for the survivor's annuity. In order to do so the member must repay the survivor annuity refund received at retirement plus interest. The rule provides that if the member is in the process of repaying the refund on an installment basis and dies, the balance may be paid within 30 days to qualify the spouse for the survivor annuity.

Section 1540.330 is being amended with technical changes for the upcoming 2001 Board of Trustees Election.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 30 days after the proposed rules are published in the Illinois Register and should be directed to:

Michael L. Wory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	Introduction
1540.5	Appointment of Retirement System Coordinator
1540.10	Member's Contribution and Service Credit
1540.20	Determination of Rate of Compensation
1540.30	Prior Service Credit
1540.40	Credit for Service for Which Contributions are Permitted
1540.50	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.60	Death Benefits
1540.70	Disability Claims
1540.80	Benefit Offset
1540.90	Birth Date Verification
1540.100	Marriage Verification
1540.110	Level Income Option
1540.120	Pension Credit for Unused Sick Leave
1540.130	Removal of Children from Care of Surviving Spouse
1540.140	Proof of Dependancy
1540.150	Investigations of Benefit Recipients
1540.160	Interest on Member Contributions
1540.170	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.180	Lump Sum Salary Payments
1540.190	Removal From the Payroll
1540.200	Latest Date of Membership
1540.210	Period for Payment and Amount of Payment of Contributions
1540.220	Contributions By the State (Repealed)
1540.230	Actuarially Funded Basis (Repealed)
1540.240	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.250	Pick-up Option for Optional Service Contributions
1540.255	Contributions and Service Credit During Nonwork Periods
1540.260	Written Appeal and Hearings
1540.270	Availability for Public Inspection (Recodified)
1540.280	Procedure for Submission, Consideration and Disposition of Petitions
1540.290	Sealing the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62794-9255
217/785-7444

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for provide corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS
NOTICE OF PROPOSED AMENDMENTS

1540.320 Optional Forms of Benefits - Basis of Computation
1540.330 Board Elections
1540.340 Excess Benefit Arrangement
TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982; for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11153, effective June 15, 1987; amended at 14 Ill. Reg. 10496, effective June 15, 1987; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 17 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8032, effective June 27, 1996; emergency amendment at 21 Ill. Reg. 4276, effective April 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 1540.150 Proof of Dependency

In consideration of the payment of an occupational death benefit, or survivors annuity or reversionary annuity, person or persons claiming such benefits as a dependent shall submit acceptable proof to the Board that the member was contributing at least one-half of the dependent's support at the time of the member's death. A copy of the deceased member's income tax filing for the year of event claiming the person as a dependent shall be accepted as proof of dependency. For the reversionary annuity, a spouse will be deemed to be a dependent of the member.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1540.250 Payments to Establish Credit for Service for Which Contributions are Permitted

- If a member has received one or more contribution refunds from the System, past service credits previously refunded may be reinstated only after the two-year minimum service requirement has been satisfied and the member repays the amount of refund(s) previously received together with interest due before retirement either in a lump sum or installment payments by direct payment or payroll deduction. No payment may be applied to any period of service prior to a refund until that refund is paid in full. Service credit will be granted only when a stipulated refund, qualifying, short period or other type of permissive service credit as set forth in the Act is paid in full; except, in the event of death of the member partial service credit may be granted. Such partial service credit will be based on contributions and interest paid as of date of death.
- Under the installment option, interest will be calculated on the total amount of contributions for the stipulated period of service through the month of the date the member elects to complete payment. No installment option will be approved for payments of less than \$20.00 per payment or payroll deduction of less than \$1.00 per pay period. Except as to pick-up contributions as described in Section 1540.255, if payment is made in full prior to the final due date stipulated in the option, interest will be recalculated and a refund of interest paid to the due date and in excess of \$5.00.
- If a member pays the contributions and interest due in full under the installment option, an interest rebate will be paid to reflect interest earned during the installment period. The rebate will be calculated based on regular interest as defined in the Retirement Act. The amount of rebate will be determined as of each June 30 preceding the date of payment in full, based on the total of the payments accumulated in the account at the beginning of each fiscal year. At the time the account is paid in full, the total interest accumulated in the rebate account will be paid to the member. The interest rebate will not be paid if the accumulation is less than \$5.00.
- Except in the case of contributions made through the pick-up option described in Section 1540.255, if a member elects to receive a retirement annuity, completes a revocation card or for some other reason elects not to complete his installment payment option, all monies paid by the member on such option will be refunded and no service credit granted.
- If a member has received a widow/survivor contribution refund upon the retirement, and subsequently a beneficiary becomes eligible for the widow/survivor annuity, the member may repay the widow/survivor

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NOTICE OF PROPOSED AMENDMENTS

contribution refund in a lump sum or installment payments. The repayment shall consist of the amount of the widow/survivor contribution refund, together with interest, from the date of refund to the date of repayment. If the member has requested to repay the refund, or is in the process of repaying the refund, and dies before the completion of the repayment, the balance of the repayment due may be paid in a lump sum, within 30 days after receiving notice from the system of the amount due.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1540.330 Board Elections

In accordance with the Illinois Pension Code, an election for two(2) trustees, one contributing member with at least 8 years of creditable service and one annuitant who has been an annuitant for at least one full year, will be held every 5 years beginning in 1986.

a) Definitions of Terms

For purposes of this Section the following definitions shall apply:

"Annuitant" - Any annuitant, as defined in Section 14-103.07 of the Illinois Pension Code [40 ILCS 5/14-103.07]. (1111-Rev-Stat-1995-chr-100-1/2-par-14-103-067)

"Contributing Member" - Any member of the System, as defined in Section 14-103.06 of the Illinois Pension Code [40 ILCS 5/14-103.06] (1111-Rev-Stat-1995-chr-100-1/2-par-14-103-067) who is currently contributing to the System.

b) Nominations

Qualified persons for the position of Contributing Member Trustee or Annuitant Trustee shall file a Statement of Candidacy and Trustee petitions on a form prescribed by the Board, in accordance with the Illinois Pension Code. Petitions shall be signed by not less than 400 contributing members for a Contributing Member Trustee candidate and by not less than 100 annuitants for an Annuitant Trustee candidate and indicate the addresses of the signators opposite their names. Nominating petitions shall be circulated and certified only by contributing members or annuitants for each respective trustee candidate. Forms shall be secured from the Executive Secretary and filed in accordance with the Calendar. Trustee petitions with a Statement of Candidacy must be filed at the System's Springfield office, 2101 South Veterans Parkway, Springfield, Illinois, in person or by mail during the office hours, 8:00 a.m. to 4:30 p.m.

c) Lottery for Ballot Position

All petitions filed by persons waiting in line as of 8:00 a.m. on or

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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before the first day for filing shall be deemed filed as of 8 a.m. on the first day. Petitions filed by mail and in the first mail delivery or pickup of that day shall be deemed as filed as of 8:00 a.m. All petitions received thereafter shall be deemed as filed in the order of actual receipt. Where 2 or more petitions are received simultaneously for the same office, the State Employees' Retirement Board, with whom such petitions are filed, shall break ties and determine the order of filing, by means of a lottery.

d) Procedures on Objections

The Board of Trustees of the System shall review and rule on all written petitions filed objecting to any candidates qualifications as outlined in 40 ILCS 5/14-134(e) and (f) (1111-Rev-Stat-1995-chr-100-1/2-par-134-(e)-and-(f)). Petitions Objecting shall be made in accordance with 80 Ill. Adm. Code 1540.270 (d)(3). Nomination papers shall be deemed valid unless objections are received by the System filed in writing within 5 days after the last day for filing nomination papers. Not later than 12 noon on the next business day, after receipt of the objector's petition petitions, the Executive Secretary shall deliver or transmit transmittal by registered mail or receipted personal delivery the nomination papers and original objector's petition to the Chairman of the Board, and shall transmit a copy by registered mail or receipted personal delivery of the objector's petition to the candidate whose nomination papers are objected to--addressed to the place of residence designated in said nomination papers. Within 24 hours after receipt of the objector's petition, the Chairman of the Board shall send a call for a meeting to consider the petition by giving notice by registered or certified mail to each of the members of the Board, the objector and candidate. The meeting Meeting of the Board shall not be less than 3 nor more than 5 days after receipt of objector's petition by the Chairman of the Board.

e) Elections

After the Executive Secretary has certified the candidates, separate ballots shall be prepared for the Contributing Member Trustee and for the Annuitant Trustee. Candidate position shall be in the order that the petitions are filed, or as determined by the lottery. Ballots will be mailed on election day to all qualified Contributing Members and Annuitants. All ballots must be returned, sealed in the envelope provided so as to be received by May 30 of the election year, to be counted. In order to be eligible to vote, a contributing member must make contributions during the first payroll period in March of the election year. In order to be eligible to vote, an annuitant must receive a retirement annuity for March of each election year.

f) Calendar of Events

Beginning in 1986 and every five(5) years thereafter
1) JANUARY 2,
Candidate and petitions.
Forms available from the Executive Secretary for Statement of

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 2) JANUARY 15,
Last day Executive Secretary shall publish in newsletter the dates and times when candidates may receive petitions. The pre-filing notice must also include the time and location of the filing period for nominating petitions.
- 3) FEBRUARY 11,
First day for candidates to file nomination papers in the office of the Executive Secretary for trustee offices.
- 4) FEBRUARY 19,
Last day for candidates to file nomination papers in the office of the Executive Secretary for trustee offices.
- 5) FEBRUARY 24,
A) Last day for filing objections to the nomination papers of candidates for the office of trustees in the office of the Executive Secretary.
B) Notice shall be given of the time and place for conducting a lottery when 2 or more petitions are received simultaneously for the same office. Notice shall be given by the Executive Secretary to all candidates involved in the lottery.
- 6) FEBRUARY 28,
Lottery At last day lottery shall be conducted by the Executive Secretary when 2 or more petitions are received simultaneously for the same office.
By Seven days written notice shall be given of the time and place for conducting a lottery when 2 or more petitions are received simultaneously for the same office. Notice shall be given by the Executive Secretary to all candidates involved in the lottery.
- 7) MARCH 1,
Last day for candidates to withdraw their candidacy in the office of the Executive Secretary.
- 8) MAY 1,
Election
- 9) MAY 30,
Last day all voted ballots shall be received by the Board or its designate.
- 10) JUNE 6,
Last day for canvassing of election results by the Board or its designate agent.
- 11) JUNE 18,
Last day for the Board to proclaim the results of the election and to issue the certificates of election to the winners.
If any of these dates falls on a Saturday, Sunday or holiday, the next succeeding business day for the System shall be the effective date.
- 9) Ballot Security
Upon receiving the official voted ballots, they shall be secured unopened, in a locked location, until such time as the canvassing begins.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- b) Board Notification
- 1) The Board or its designated agent shall canvass the ballots and certify the results. Each candidate may have two observers present during the ballot canvassing.
- 2) The candidate receiving the most votes for the office of Contributing Member Trustee will be declared the winner. The candidate receiving the most votes for the office of the Annuitant Trustee will be declared the winner.
- 3) If a candidate should become ineligible for office after the submission of the Statement of Candidacy and Petitions, but before the election, the Board shall notify the candidate of the ineligibility and remove his name from the ballot. If a candidate should become ineligible for office after the mailing of ballots, his votes will not be counted and the eligible candidate receiving the most votes shall be declared the winner.
- 4) Ballots will be retained for 60 days following the certification and then destroyed, pending any litigation.
- 5) In case of a tie vote between 2 or more candidates, the Board shall determine the winner by means of a lottery to break the tie.
- 6) The Board will proclaim the results of the election and issue Certificates of Election to the winners.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Legal Advocacy Service
- 2) Code Citations: 59 Ill. Adm. Code 350
- 3) Section Numbers
350.100 Adopted Action
350.105 Amendment
350.110 Amendment
350.120 Amendment
350.135 Amendment
APPENDIX A Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) Effective Date of Amendments: August 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) The Notice of Proposed Amendments was published in the Illinois Register on: January 3, 2000; 24 Ill. Reg. 12
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There are no differences between the proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes have been made.
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of these amendments: These amendments update the sliding fee schedule for legal services performed by the Legal Advocacy Service. Additionally, the amendments reflect updated statutory citations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Jeff Plesko
Director, Legal Advocacy Service
Illinois Guardianship and Advocacy Commission
Egyptian Regional Office
47 Cottage Drive
Anna, Illinois 62906-1669
618/ 833-4897

The full text of the adopted amendments begins on the next page:

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSIONPART 350
LEGAL ADVOCACY SERVICE

Section	Authority and Purpose
350.100	Definitions
350.105	Legal Services Without Charge
350.115	Fees for Legal Services
350.120	Sliding Fee Schedule (See Appendix A)
350.125	Maximum Fees
350.130	Postponement of Fee Payment
350.135	Payment of Fees

APPENDIX A Sliding Fee Schedule for Legal Services

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 8 Ill. Reg. 17286, effective September 10, 1984; amended at 24 Ill. Reg. 11264, effective AUG 01 2000.

Section 350.100 Authority and Purpose

- a) Authority
- The Legal Advocacy Service is a division of the Guardianship and Advocacy Commission and is statutorily charged with the duty to make available legal counsel to persons with disabilities in judicial proceedings arising out of the Mental Health and Developmental Disabilities Code make available legal counsel to handicapped persons in judicial proceedings arising out of the Mental Health and Developmental Disabilities Code, or related laws, local, State state, or federal. [20 ILCS 3955/10] (4111-Rev--Stat--1983--ch--94-1/2, par--781-et-seq) The Guardianship and Advocacy Act [20 ILCS 3955] (the Act) further charges that the Commission shall evaluate an eligible person's ability to pay for legal advocacy services received and charge fees for those services.

- b) Purpose
- The purpose of this Part is to establish the procedures to be used in assessing fees for legal advocacy services.

(Source: Amended at 24 Ill. Reg. AUG 01 2000, effective 11264)

Section 350.105 Definitions

The following definitions shall apply to this Part retroactively:

GUARDIANSHIP AND ADVOCACY COMMISSION

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"Adjusted income" is the difference between income and the following expenses: child care and court-ordered child support payments, special education services for the client or dependents, for example; speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services, transportation, school health services, social work services, and parent counseling and training, expenses related to obtaining or maintaining employment which are not reimbursed by the employer, medical or dental expenses, including equipment costs (wheelchairs, guide dogs, etc.), expenses of attendant care, and 20 percent of salary to cover expenses for taxes, social security and mandatory retirement deductions.

"Eligible clients" are "individuals who have received, are receiving, have requested, or may be in need of mental health services", or are "developmentally disabled" as defined in the federal "Developmental Disabilities Services and Facilities Construction Act," (42 USC 615-67-6001(7)) (1975), or any "person persons with one or more disabilities disabled as defined in the Disabled Persons Rehabilitation Act [20 ILCS 2405] "An Act in Relation to Vocational Rehabilitation of Disabled Persons," (1111-Rev--Stat--1983--ch--23--par--3439, as provided in Section 2(g) of the Guardianship and Advocacy Act [20 ILCS 3955/2(g)] (1111-Rev--Stat--1983--ch--94-1/2, par--781etg).

"Family unit" means the client, the spouse, dependents, and/or parents of minor clients.

"Income" means all financial assistance or resources, but not non-liquid assets, available to the client. Assets that will which shall be regarded as financial resources in calculating income include cash, savings, checking accounts, stocks, bonds, and pensions.

"Legal services Services" or "legal advocacy services" means legal counsel and representation to eligible persons in judicial proceedings arising out of the Mental Health and Developmental Disabilities Code [405 ILCS 5] (111-Rev--Stat--1987--ch--91-1/2, par--1-108-et-seq, including but not limited to admission, civil commitment, and legal competency and discharge, and, to enforce rights or duties arising out of any mental health or related laws, local, State state, or federal.

"Minor" means a person under 18 years of age.

"Non-liquid assets" means real estate and that personal property which does not meet the definition of income.

(Source: Amended at 24 Ill. Reg. 11264, effective AUG 01 2000)

GUARDIANSHIP AND ADVOCACY COMMISSION

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Section 350.110 Legal Services Without Charge

The Legal Advocacy Service shall provide free services to persons otherwise "eligible" for legal services:

- a) whose income is limited to Supplemental Security Income (SSI), Social Security, Temporary Assistance to Needy Families (TANF) Aid--to Families--with--Dependent--Children--(AFDC), or general assistance benefits; or
- b) whose adjusted income does not exceed 150% of the federal official poverty level threshold for nonfarm families (64 Fed. Reg. 13429, March 18, 1999 49-Fed-Reg-7711-et-seq--February-27-1994); or
- c) pursuant to a court appointment or determination of indigency.

(Source: Amended at 24 Ill. Reg. 11264, effective 1/6/1/2000.)

Section 350.120 Sliding Fee Schedule (See Appendix A)

- a) The Legal Advocacy Service shall charge \$40.40 an hour for each hour spent at court or administrative hearings, and \$30.20 for each hour otherwise spent in preparation or other representation of a the client whose adjusted income exceeds, but is less than or equal to twice, 150% of the federal official poverty level threshold.
- b) The Legal Advocacy Service shall charge \$50.40 an hour for each hour spent at court or administrative hearings, and \$40.40 for each hour spent in preparation or other representation of a the client whose adjusted income exceeds twice, but is less than or equal to three times, 150% of the federal official poverty level threshold.
- c) The Legal Advocacy Service shall charge \$60.50 an hour for each hour spent at court or administrative hearings, and \$50.40 for each hour spent in preparation or other representation of a the client whose adjusted income exceeds three times 150% of the federal official poverty level threshold.

(Source: Amended at 24 Ill. Reg. 11264, effective 1/6/1/2000.)

Section 350.135 Payment of Fees

- a) Written Notice
No client shall be charged a fee for legal services unless given written notice that fees will be charged prior to the provision of legal assistance.
- b) Billing
The Legal Advocacy Service shall bill the client for legal services rendered at least every six months, except as provided in Section 350.130 of this Part.
- c) Suspension of Services for Nonpayment

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Legal services shall be terminated or suspended if the client does not remit payment within six months after of billing, consistent with Rule 1.16 of the Illinois Rules of Professional Conduct (Supreme Court Rules, RPC 1.16). ~~Section--2-119-of-the--Code--of--Professionals Responsibility--(Ill--Rev--Stat--1993--Ch--110--Sec--2-119-77)~~ The Legal Advocacy Service Director shall determine whether legal services shall be terminated or suspended and notify the client in writing. At the request of the client or the client's legal representative, the Commission Director of the Commission shall review the legal Advocacy Service Director's decision, and notify the client within 30 days. At the request of the client or the client's legal representative, the Commission Chairperson shall review the Director of the Commission's ~~Commission-Director's~~ decision, render a written decision and notify the client within 30 days. The client and the client's legal representative may submit additional information to the Director of the Commission ~~Commission-director~~ and Chairperson during their review.

(Source: Amended at 24 Ill. Reg. 11264, effective 1/6/1/2000.)

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Section 350. APPENDIX A Sliding Fee Schedule for Legal Services

Fee (Court/non-court time)

-0-

\$40/\$30

\$50/\$40

\$60/\$50

Size of Family Unit

Maximum
IncomeMaximum
IncomeMaximum
Income

1 \$12,360 \$24,720 \$37,080

2 16,590 33,180 49,770

3 20,820 41,640 62,460

4 25,050 50,100 75,150

5 29,280 58,560 87,840

6 33,510 67,020 100,530

7 37,740 75,480 113,220

8 41,970 83,940 125,910

* For family units with more than 8 members, add \$2820 for each additional member in a family.

Fee-(court/non-court-time)-0-

\$30/\$20

\$40/\$30

\$50/\$40

Size-of-Family-Unit

Maximum
IncomeMaximum
IncomeMaximum
Income

1 \$7,470 \$14,940 \$22,410

2 10,600 21,200 31,800

3 13,730 27,460 41,190

4 16,860 33,720 50,580

5 19,990 39,980 59,970

6 23,120 46,240 69,360

7 26,250 52,500 78,750

8 29,380 58,760 88,140

9 32,510 65,020 97,530

10 35,640 71,280 106,920

*For-family-units-with-more-than-6-members-add-\$2610-for-each additional-member-in-a-family-

*For-family-units-with-more-than-6-members-add-\$5220-for-each additional-member-in-a-family-

*For-family-units-with-more-than-6-members-add-\$7030-for-each additional-member-in-a-family-

(Source: Amended 11/6/2004) 11 26 4 effective

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1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code

2) Code Citation: 77 Ill. Adm. Code 820

3) Section Numbers:

820.120

Amendment

820.200

Amendment

820.210

Amendment

820.220

Amendment

820.230

Amendment

820.300

Amendment

820.310

Amendment

820.330

Amendment

820.340

Amendment

820.360

Amendment

820.400

Amendment

4) Statutory Authority: Implementing and authorized by the Swimming Pool and Bathing Beach Act (210 ILCS 125).

5) Effective Date of Rulemaking: July 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 25, 2000 (24 Ill. Reg. 2902)

10) Has JCPR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

Subsection (d) of Section 820.120 following has been deleted:

d) Diatomaceous earth filter wash or backwash water shall be discharged as described in subsection (c) for discharge of backwash water from sand filters after passing the wash or backwash water through a separation tank designed for removal of the diatomaceous earth and suspended solids.

Proposed section 820.210(c)(10) has been revised to read as follows:

10) Heat exchangers used to heat pool water by use of a toxic transfer fluid, as defined in Section 890.1220(a)(4) of the Illinois Plumbing Code, shall be of double-wall construction.

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with the space between the two walls having a drain open to the atmosphere.

The following has been added after Section 820.210(b)(9):
10) Wash or backwash water from diatomaceous earth filters shall be passed through a separation tank designed for removal of suspended diatomaceous earth and solids, prior to disposal.

Section 820.220(b)(2) has been revised with the following addition:
except that alternative floor coverings may be installed in locker to dressing areas with prior approval of the Department, if the Department determines that the installation is unlikely to result in a condition detrimental to public health. In considering approval of an installation of an alternative product, the Department shall consider factors such as:

I) Whether the product is likely to become or to remain wet, considering separation distance between locations where the floor covering product would be installed and wet areas, such as toilet and shower facilities, and anticipated usage of the facility.

J) Properties of the product, including factors affecting rate of drying, propensity of the product to support microbial growth, and ease of cleaning and disinfecting.

If the Department determines that a condition detrimental to public health results from the installation of an alternative product, or if there is failure to comply with the care and maintenance conditions specified with the approval, the Department may order removal of the alternative product.

In Section 820.300(4)(A), the lifeguard staffing requirements for wave pools has been revised to one lifeguard per 100 patrons, whichever results in the greater number.

Various typographical, grammatical and technical changes were made in response to comments from the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreement issued by the Joint Committee.

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this part? No

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15) Summary and Purpose of Rulemaking:

The adopted amendments address the following issues related to design, personnel, and water quality requirements for public swimming pools and bathing beaches:

1. Depth markers and "no diving" markers will not be required at the zero depth edge of pools.
2. Starting platforms permitted prior to May 20, 1999, or installed at existing pools may be installed at a water depth of 3 1/2 feet.
3. Deck and railing requirements for wave pools have been revised.
4. Heat exchangers used to heat pools must be of double-walled construction and comply with Section 890.122(a)(4) of the Illinois Plumbing Code.
5. Deck drainage systems that drain toward the pool will not require a six inch air gap.
6. Language is added to specify that the combined flow rate through the surge weirs shall not exceed the design circulation flow rate.
7. Erosion type chemical feeders are required to be installed according to the manufacturer's instructions.
8. Alternative floor covering, including carpet, will be allowed in locker rooms, dressing areas or connecting walkways only with prior approval of the Department.
9. The requirement for lifeguards has been changed from one lifeguard per 200 bathers to one lifeguard per 100 bathers or 2000 square feet of surface area, whichever is fewer, except for wave pools. The requirement for wave pools is 1 lifeguard per 100 bather or 2000 square feet of surface water, whichever will result in the greater number of lifeguards.
10. Lifeguards will be allowed to guard more than one pool at a facility only if they have a clear unobstructed view of the pools and they will be allowed to guard no more than three water slide discharges.
11. Revisions have been made to the swimming pool closing criteria including requiring outdoor pools to be closed when lightning is in the area.
12. A provision has been added authorizing the Department to close a beach if the beach operator fails to submit the required water samples to the Department for testing.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
(rules@dph.state.il.us)

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The full text of the adopted amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820

ILLINOIS SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section	Definitions
820.10	
820.20	Incorporated Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section	Permits
820.100	
820.110	Water Supplies
820.120	Wastewater Disposal
820.130	Food Service Sanitation
820.140	Exemptions
820.150	Variances

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section	General Design Requirements
820.200	
820.210	Swimming Pool Water Treatment System
820.220	Swimming Pool Bathing Preparation Facilities
820.230	Wading Pools
820.240	Spray Pools
820.250	Slides
820.260	New Equipment, Construction and Materials (Repealed)
820.270	Lazy Rivers

SUBPART D: OPERATIONAL REQUIREMENTS

Section	Applicability of Operation Requirements
820.290	
820.300	Personnel
820.310	Safety Equipment
820.315	Notification
820.320	Water Quality
820.330	Swimming Pool Closing
820.340	Operation and Maintenance
820.350	Operation Reports and Routine Sampling
820.360	Patron Regulations
820.370	Swimming Suits and Towels Furnished by Management

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820.380 Wading Pools, Spray Pools and Therapy Pools
820.390 Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

Section
820.400 Minimum Sanitary Requirements for Bathing Beaches
820.500 Minimum Sanitary Requirements for Bathing Beaches (Renumbered)

APPENDIX A Illustrations

- ILLUSTRATION A Slope of Pool Floor
- ILLUSTRATION B Pool Walls
- ILLUSTRATION C General Pool Diving Area Dimensions
- ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height
- ILLUSTRATION E Slide Dimensions (Repealed)
- ILLUSTRATION F Slide Position (Repealed)
- ILLUSTRATION G Flow Meter Installation
- ILLUSTRATION H Skimmer Construction
- ILLUSTRATION I Installation of a Pressure Sand Filter System
- ILLUSTRATION J Installation of a Pressure Diatomaceous Earth Filter System
- ILLUSTRATION K Installation of a Vacuum Filter System
- ILLUSTRATION L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
- ILLUSTRATION M Chlorine Injection into Return Line to Pool Using External Water Source Pressure (Repealed)
- ILLUSTRATION N Chlorine Injection into Return Line to Pool Using Booster Pump

APPENDIX B Tables
TABLE A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height

TABLE B First Aid Kit Contents

TABLE C Flows Carried by Inlets

TABLE D Sizing Swimming Pool Chlorinators

TABLE E Shower, Lavatory and Toilet Fixtures Required per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; emergency amendment at 21 Ill. Reg. 7536, effective May 28, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9357, effective May 15, 1998; amended at 23 Ill. Reg.

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6079, effective May 20, 1999; emergency amendment at 23 Ill. Reg. 6551, effective May 20, 1999, for a maximum of 150 days; emergency expired November 17, 1999; amended at 24 Ill. Reg. 11271, effective JUL 13 2000.

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section 820.120 Wastewater Disposal

- a) Sewage generated from the operation of a swimming pool or bathing beach shall discharge to a public sanitary sewer or to a system which complies with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 910).
- b) Deck or surface area drainage water may be discharged directly to storm sewers, natural drainage areas, or the ground surface. Such drainage shall not result in nuisance conditions that create an offensive odor, produce a stagnant wet area, or create an environment for the breeding of insects.
- c) Wash or backwash water from sand filters shall be discharged to natural drainage areas, sanitary sewers, storm sewers, or to the ground surface in a manner that does not result in a nuisance condition.
- d) ~~Diatomaceous-earth-filter-wash-or-backwash-water-shall-be-discharged as described in subsection (c) for discharge of backwash water from sand filters after passing the wash-or-backwash-water-through-a separation-tank-designed-for-removal-of-the-diatomaceous-earth-and suspended-solids~~

(Source: Amended at 24 Ill. Reg. 11271, effective JUL 13 2000)

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section 820.200 General Design Requirements

Swimming pools and appurtenances, including other pools associated with or provided as appurtenances to swimming pools, shall comply with this Subpart.

- a) Enclosures
 - 1) The swimming pool area shall be completely enclosed by a protective wall, fence or other barrier, at least four feet high, measured on the inside and outside, and not providing ready footing for climbing. The height of an opening under the bottom of the barrier shall not exceed four inches. The openings in any barrier shall not exceed four inches in width and height.
 - 2) Each entrance into the pool enclosure shall be equipped with a door or gate that is self-closing and self-latching. This requirement is not necessary when people enter the pool area through the bathhouse and lifeguards are provided in the pool

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area. Doors and gates at all entrances to the pool enclosure must be equipped with hardware that permits secure locking of the entrance.

- 3) A balcony shall not overhang or extend within 10 feet horizontally of any portion of the water surface of a swimming pool.
- 4) Sand areas shall not be allowed inside of the pool enclosure unless a barrier is provided to control access to the pool. If access is allowed to such areas, an arrangement must be provided that requires bathers passing from the sand area to the pool area to pass through a shower facility with heated or tempered water for removal of sand.
- b) Bather Load. The Department will compute a bather load for each swimming pool area. A bather load shall be specified with the issuance of a construction permit for a new swimming pool. In the case of multiple swimming pools contained within a common enclosure, the Department may compute a combined bather load for the pool enclosure. The criteria to be used for computing the bather load are as follows:
 - 1) Shallow Area.--Fifteen square feet of water surface shall be required for each bather.
 - 2) Deep Area. Twenty-five 25 square feet of water surface shall be required for each bather, with 300 square feet deducted for each diving board or platform.
 - 3) The bather load for wading pools shall be computed at 15 square feet of pool water surface for each bather.
 - 4) A designated plunge area or landing area for a slide, as specified in Section 820.250 of this Part, shall not be considered in computing a bather load.
 - 5) One bather shall be allowed for each 50 square feet of pool deck area in excess of the minimum specified in Section 820.200(j)(1).
- c) Structure. A licensed architect or structural engineer shall certify that the pool is designed to withstand all anticipated hydraulic structural loadings for both full and empty conditions. All appurtenances to the pool, such as diving boards and slides, shall be designed to carry the anticipated load.
- d) Material. Pools shall be constructed of materials which provide a rigid watertight shell with a smooth, impervious, light colored finish that is non-toxic and easily cleaned. The floor of shallow areas shall have a slip-resistant finish. Pool vinyl liners may only be installed over a base of concrete, steel or other such rigid material.
- e) Obstruction. An obstruction creating a safety hazard shall not extend into or above the pool, or shall not protrude from the floor of the pool.
- f) Slope of Pool Floor. The floor of a pool shall slope downward toward the main drain. The slope in shallow areas shall not exceed one foot vertical in 12 feet horizontal except for a slope directed downward

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from a transition point, which shall not exceed one foot vertical in three feet horizontal. In portions of the pool with a depth greater than five feet, the front slope of the deep area shall not be steeper than one foot in three feet. The slope requirements are illustrated in Appendix A: Illustration A.

- g) Transition Point. Transition points shall be marked with a stripe on the pool floor having a width of at least four inches and a color that contrasts with that of the floor, and with a buoyed safety rope with colored buoys, installed at least one foot on the shallow side of the transition point. In other pools having adjoining shallow and deep areas, a safety rope with colored buoys shall be installed where the water depth reaches five feet.
- h) Pool Walls
 - 1) Pool walls shall meet the following requirements:
 - A) Where the pool depth is 42 inches or less, pool walls shall be vertical to the floor. The junction of the wall with the floor shall consist of a cove with a radius not exceeding six inches.
 - B) Where the pool depth exceeds 42 inches, pool walls shall meet one of the following criteria:
 - i) The wall shall be vertical for a distance of at least five feet below the water level, below which the wall may angle to the floor; or
 - ii) The wall shall be vertical for a distance of at least three feet below the water level, below which the wall shall form a curve to the floor. The curve shall be tangent to the pool wall and shall have a radius of curvature at least equal to the vertical distance between the center of curvature and the pool floor.
 - 2) If pool ledges are provided, they shall have a maximum six inch width, shall be located at least three feet below the water level, shall slope away from the pool wall and shall have a slip-resistant surface with a color that contrasts with the pool walls and floor. The pool wall below the ledge shall be constructed in accordance with the requirements of this Section except that the pool wall may slope inward toward the pool at an angle not exceeding 11 degrees from vertical.
 - 3) Underwater seat benches shall be located a maximum of 20 inches below the water level, be visually set apart, have a slip-resistant surface, and be recessed into the pool wall or be installed so that there are no exposed corners or vertical edges in the pool.
 - 4) All junctions between pool walls, and between pool walls and the pool floor, shall be covered with a minimum radius of one inch.
 - 5) Devices for anchoring safety ropes and racing lane divider ropes shall be recessed into the pool wall.
 - 6) An effective handhold shall be provided at or near the water level where the pool depth is 30 inches or greater. The handhold

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may consist of the rounded lip of a perimeter overflow system or bullnose coping with round, raised handhold not exceeding two and one-half inches in thickness, or other effective handhold. The handhold shall not protrude more than two inches into or over the pool.

i) Depth Markers

1) The water depth shall be marked at or above the water surface on the wall of the pool and on the edge of the deck next to the pool so as to be readable ~~readable~~ by persons entering or in the pool. Where depth markers cannot be placed on the walls or at above the water level such that at least 50% of the marking is above water level, they shall be placed on the pool wall as high as practicable and also on the fencing or pool enclosure so as to be plainly visible to persons in the pool. Depth markings shall be provided at the shallow and deep ends of the pool, the transition point, and the point of maximum depth, and shall be spaced at not more than 25 foot intervals measured peripherally, except that depth markings are not required at a zero-depth edge.

2) Depth markers shall indicate pool depth in either feet, feet and inches, or feet and fractions of a foot, and shall be of a color that contrasts with the background. Numerals indicating depth shall be a minimum of four inches high.

3) In shallow areas, "no diving" markers or symbols at least four inches high must be located at not more than 25 foot intervals around the pool perimeter except at a zero-depth edge.

j) Walkways and Deck Areas

1) Except for plunge pools, wave pools and lazy rivers, pools shall be completely surrounded by a deck that is at least four feet in width and extends completely around and adjacent to the pool. Except as allowed for wave pools in subsection (u)(3), there shall be no obstructions or interruptions of the pool deck within the four feet adjacent to the pool other than necessary structural supports, or appurtenances such as diving boards, slides, perimeter overflow systems, or handrails. A clear, unobstructed walkway at least 42 inches in width shall be maintained at such obstructions or interruptions.

2) Structural supports located within the minimum required deck width or within four feet of the swimming pool shall be no closer than 10 feet apart measured parallel to the adjacent perimeter of the pool, with the dimension of any single support in a plane parallel to the adjacent pool perimeter no greater than three feet and the sum of all such support dimensions no greater than 10 percent of the pool perimeter.

3) The deck between two adjacent swimming pools shall be at least eight feet wide. All decks and walkways shall have an unobstructed overhead clearance of at least seven feet.

4) Deck coverings. Synthetic material may be installed if it meets the following criteria:

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A) It is non-fibrous and allows drainage such that it will not remain wet or retain moisture;
B) it is inert and will not support bacterial or fungal growth;
C) it is durable;
D) it is cleanable; and
E) it provides a slip-resistant finish.

5) The deck shall slope at least one inch per ten feet to deck drains or to the surrounding ground surface. The maximum slope of the pool deck shall not exceed one inch per foot.

6) Except for linear drains, deck drains shall be located so that not more than 900 square feet of deck area is tributary to each drain, and deck drains shall not be more than 30 feet apart. Deck drains shall be located so that water does not drain more than 15 feet in any one direction. Where deck widths are 15 feet or less, deck drains are not required provided that the deck drains to the ground surface. The deck drains shall not be connected to the pool water recirculation system. Pools designed to operate where the pool water level is at the deck level, may be allowed to drain the first four feet of deck into the pool perimeter overflow system. Up to 10 feet of the deck adjacent to a zero-depth edge may be drained into the pool.

7) The decks and walkways shall have a paved surface. The surface of the pool deck, and other surfaces used for foot contact, such as gratings of perimeter overflow systems, shall be slip-resistant.

8) The outer perimeter of the deck for outdoor pools shall be at least four inches higher than the surrounding ground surface except where access is provided to adjacent turf areas.

9) Any opening in the deck shall have a locking type cover which is flush with the deck.

10) Hose bibbs shall be provided for cleaning all parts of the pool and deck (maximum separation 150 feet).

11) Except for wave pools, the vertical distance between the surface of the deck, pool curb or pool rim and the water level shall not exceed 10 inches.

12) A pool perimeter curb or raised rim, if provided, shall be at least four inches in height, measured above the adjacent pool deck surface. This requirement does not apply to a handhold provided in accordance with subsection (h)(6).

k) Ladders, Step-Holes, Steps and Ramps

1) Swimming pools shall have at least two means of egress, located near opposite ends. Pools 30 feet or more in width shall have at least four means of egress that shall be located near each end and on opposite sides. A means of egress shall consist of a ladder, step-holes and grab rails, stair, ramp, or zero-depth edge. The distance from any point with a depth greater than 30 inches in the swimming pool to a means of egress shall not exceed 50 feet. At least two ladders or sets of step-holes shall be

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located at the deep area of the swimming pool when more than one diving board is provided.

- 2) Step-boards shall have a minimum tread depth of five inches. Where step-holes or ladders are provided, there shall be a handrail or grabrail at the top on both sides which extends to the edge of the pool.
 - 3) Steps shall be of contrasting color or marked to contrast from the pool floor and have uniform size treads of at least 12 inches and a rise of no more than 12 inches. Steps shall be located where the water depth is three and one-half feet or less and shall have no pointed or sharp edges. One sturdy handrail or grabrail per 12 feet of step width or fraction thereof, extending the length of the steps, shall be provided.
 - 4) All ladders, step-holes, and steps shall have slip-resistant surfaces.
 - 5) Ramps shall slope at no more than one in 12, shall have a slip-resistant surface, shall be no more than four feet wide, and shall have handrails on both sides.
- 1) Drinking Fountains. A drinking fountain shall be provided for the use of bathers on the pool deck.
- m) Diving Area

- 1) Handrails shall be provided at all steps and ladders leading to diving boards, except for those ladders set at 15° or less from the vertical. Platforms and diving boards which are one meter or higher shall be protected with guard railings. One meter diving board guard rails shall be at least 30 inches above the diving board and extend to the pool water's edge. All platforms or diving boards higher than one meter shall have guard rails which are at least 36 inches above the diving board or platform and extend to the pool water's edge. Three meter platforms and boards shall have a side rail barrier.

- 2) The dimensions of the diving area of a pool that has diving boards or platforms of three meters or less in height shall conform to those shown in Appendix A, Illustration C. In such pools, the distance from the plummet to the pool wall ahead shall be at least 34 feet.

- 3) Swimming pools constructed with diving facilities in excess of three meters in height shall comply with dimensions given in Appendix B, Table A and illustrated in Appendix A, Illustration D. If the pool is used for swimming as well as diving and if slope N transitions from the deep to the shallow end, then transition slope N shall not be steeper than one foot in three. There shall be no obstruction extending from the wall or the floor into the clear area of the diving portion of the pool. There shall be an unobstructed distance of 16 feet above the diving board measured from the center of the front end of the board, and this clearance shall extend at least eight feet behind, eight feet to each side, and 16 feet ahead of the

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measuring point.

- 5) A plunge area shall be designated for each diving board or platform. There shall be no overlap from plunge areas of other diving facilities or slides. The plunge area for a diving board of one meter height or less shall extend four feet laterally from the center of the board on either side and for a distance of 28 feet in front of the tip of the board. For diving boards or platforms greater than one meter in height, the plunge area shall extend six feet laterally from the center of a diving board or from the side of a platform on either side and for a distance of at least 34 feet in front of the board or platform.

n) Starting Platforms

- 1) For swimming pools issued a construction permit after May 20, 1999, or starting platforms installed after that date at existing pools, starting platforms shall only be installed where the water depth is at least 3 1/2 feet. ~~Starting platforms for competitive swimming shall not be installed where the water depth is less than five feet except for existing starting platforms that were initially installed at a swimming pool before May 20, 1999.~~

- 2) The top front edge of the platform shall be no more than 30 inches above the water level for water depths 4 feet or more. For water depths between 3 1/2 and 4 feet, the top front edge of the platform shall not exceed 20 inches above the water level. ~~Starting platforms that were installed at a swimming pool before May 20, 1999 shall be removed if not located where the water depth is at least 3 1/2 feet or shall be relocated to a location where the water depth is at least 3 1/2 feet.~~

- 3) The height of starting platform measured above the pool water level shall not exceed the following:

- A) 36 inches for starting platforms located where the water depth is five feet or more.
- B) 48 inches for starting platforms located where the water depth is less than five feet.

o) Electrical Installation - Lighting

- 1) All aspects of the facility shall conform with the 1999 National Electrical Code.

- 2) Artificial lighting shall be provided at all indoor pools and at all outdoor pools that are open for use after sunset in accordance with one of the following:

- A) Underwater lighting of at least 8.35 lumens or 0.5 watts per square foot of pool water surface area, located to provide illumination of the entire pool floor; plus area lighting of at least 10 lumens or 0.6 watts per square foot of deck area.
- B) If underwater lights are not provided, at least 33.5 lumens or 2.0 watts per square foot of pool water surface area and deck area.
- 3) Where portable electric vacuum cleaning equipment is used,

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electrical receptacles with ground-fault circuit interrupter protection shall be provided. Separation between receptacles shall be a maximum of 100 feet. All receptacles installed in the swimming pool area shall have waterproof covers and ground-fault circuit interrupter protection.

- 4) Light dimmers may not be installed on underwater lighting or lights for the pool deck.
- 5) Lighting controls shall not be accessible to the public.
- p) Acoustics. Indoor pools shall receive acoustical treatment.
- q) Ventilation. Indoor pools shall be mechanically ventilated and have humidity control. The ventilation system shall be capable of admitting 0.5 cubic feet per minute of outdoor air per square foot of floor area, including water surface area, in the pool enclosure.
- r) Plumbing. All plumbing shall be in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890).
- s) Emergency telephone. Every swimming pool shall have a telephone which is accessible within the confines of the pool area or within 300 feet of the pool area, in case of emergencies.
- t) Equipment Rooms
 - 1) Equipment for swimming pool water treatment shall be housed in a lighted and ventilated room which affords protection from the weather and prevents unauthorized access.
 - 2) The equipment room floor shall slope toward drains and shall have a slip-resistant finish.
 - 3) A hose bibb shall be installed in the equipment room.
 - 4) Suitable space, if not provided in the equipment room, shall be provided within the premises for storage of chemicals, tools, equipment, supplies and records and shall be weatherproof and protected from unauthorized access.
 - 5) Electrical receptacles in the equipment room shall have ground-fault circuit interrupter protection.
- u) Wave Pools. Wave pools shall comply with the following, and, except as specified below, with the requirements of this Section and Sections 820.210 and 820.220 of this Part:
 - 1) Overflow gutters, skimmers, and inlets are not required along the deep end wall from which waves are generated.
 - 2) Wave generating equipment must be installed and shall be provided with an emergency shut-off located at lifeguard chairs or stations on each side of the deep end of the pool.
 - 3) A deck as specified in subsection (j) of this Section is required, except at the end of the pool where wave-generating equipment is located. Railings or other barriers may be installed on the deck adjacent to the sidewalls of the pool to control entry into the pool from the sides. ~~The A-safety-railling-at-least 30-inches-in-height-shall-be-installed-along-the-edge-of-the-deck where-the-water-depth-is-between-3-feet-and-3-1/2-feet-in-depth.~~
 - 4) A safety rope will not be required if the pool is to be used only as a wave pool.

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(Source: Amended at 24 Ill. Reg. **11 27 1**, effective July 15, 2001)

Section 820.210 Swimming Pool Water Treatment System

a) General. A water treatment system, consisting of pumps, piping, filters, water conditioning, disinfection equipment and other accessory equipment shall be provided to clarify, chemically balance and disinfect the swimming pool water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool not exceeding those specified below. Systems serving pools with skimmers shall be designed for a flow rate of at least 30 gallons per minute for each skimmer.

Type of Pool	Maximum Turnover Period
Diving Pools	8 Hours
Wading Pools, Wading Areas	2 Hours
Plunge Pools and Plunge Areas	2 Hours
For Water Slides	2 Hours
Lazy Rivers	6 Hours
Other Pools	6 Hours

Other than equipment for circulating, heating, filtering and chemically treating water, as specified in this Section, or for automation of water quality control, no other type of device may be utilized as part of a pool water treatment system.

b) Pumping Equipment

- 1) The recirculation pump shall deliver the flow necessary to obtain a turnover as specified in subsection (a) of this Section. A valve for regulating the rate of flow shall be provided in the recirculation pump discharge piping.
- 2) The pump shall provide a minimum backwash rate of 15 gallons per minute per square foot of filter area in sand filter systems. The pump shall supply the required recirculation rate at a total dynamic head of at least 50 feet for all vacuum filters, 70 feet for pressure sand or cartridge filters, or 80 feet for pressure diatomaceous earth filters, unless a lower head is shown by the designer to be hydraulically appropriate.
- 3) If the pump operates with static suction lift, it shall be self-priming.
- 4) Where vacuum filters are used, a vacuum limit switch shall be provided on the pump suction line. The vacuum limit switch shall be set for a maximum vacuum of 18 inches of mercury.
- 5) A compound vacuum-pressure gauge shall be installed on the pump suction line as close to the pump as possible. A vacuum gauge may be used for pumps with suction lift. A pressure gauge shall be installed on the pump discharge line adjacent to the pump,

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with no valves between the pump and the gauge. Gauges shall be installed where they can be easily read.

- 6) Hair and Lint Strainer. A hair and lint strainer shall be installed on the suction side of the pump except on vacuum filter systems. The strainer basket shall be easily removable. Valves shall be installed to allow the flow to be shut off during cleaning, switching baskets, or inspection.

- c) Water Heater. A water heater shall be installed at all indoor pools. Pool water heaters shall be installed in accordance with the manufacturer's recommendations.

- 1) The heater piping system shall be equipped with a valve bypass pipe around the heater, sized for the swimming pool design flow rate. The influent and effluent heater piping shall be valved, and shall conform to material specifications as approved for water distribution applications in the Illinois Plumbing Code.

- 2) A heating coil, pipe or steam hose shall not be installed in a swimming pool.

- 3) Thermometers shall be provided in the piping to check the temperature of the water returning from the pool and the temperature of the blended water returning to the pool.

- 4) The design of the water heating system shall prevent the introduction of water in excess of 115° F. to the pool.

- 5) A pressure relief valve with a maximum pressure rating of 75 pounds per square inch and having a thermal capacity at least equal to the heat input rating of the heater shall be provided, with the discharge piped to within six inches of the floor.

- 6) Venting of gas or other fuel burning water heaters to the outdoors shall be provided.

- 7) Heaters for indoor pools shall be capable of maintaining a minimum pool water temperature of 76° F.

- 8) Combustion and ventilation air shall be provided for fuel burning water heaters as required by the heater manufacturer.

- 9) Heaters for indoor swimming pools shall be sized on a basis of 150 BTU per hour input per square foot of pool water surface area.

(1 kilowatt = 3,412 BTU/hr.)

- 10) Heat exchangers used to heat pool water by use of a toxic transfer fluid, as defined in Section 890.122(a)(4) of the Illinois Plumbing Code, shall be of double-wall construction with the space between the two walls having a drain open to the atmosphere.

- d) Flowmeter. Flowmeters shall be located so that the rate of recirculation and the backwash rate of sand filters can be read. In a multiple pool system, flowmeters shall be provided for each pool. Separate flowmeters shall be provided to monitor the flow for each area of a pool with a turnover rate that differs from adjacent areas

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according to subsection (b)(1). Flowmeters shall be provided on inlet supply piping in accordance with subsection (f)(2)(F). Flowmeters shall be installed on a straight length of pipe with no valves, elbows or other sources of turbulence within 10 pipe diameters upstream or five diameters downstream from the flowmeter. (See Appendix A, Illustration G.)

- e) Vacuum Cleaning System

- 1) A vacuum cleaning system capable of reaching all parts of the pool floor shall be provided.

- 2) When the vacuum cleaning system is an integral part of the pool recirculation system, the wall fitting shall connect to the suction side of the pump ahead of the hair and lint strainer.

- f) Piping, Skimmer and Overflow System

- 1) Piping.
 - A) The pool recirculation piping shall comply with the Illinois Plumbing Code for water service pipe or water distribution pipe as listed in 77 Ill. Adm. Code 890, Appendix A, Table A.

- B) The piping shall be designed to carry the required flow at velocities not exceeding five feet per second in suction piping, and 10 feet per second in pressure piping, unless greater velocities can be hydraulically provided. Gravity piping shall be sized so that the head loss in piping, fittings, valves, etc., does not exceed the head available during normal operating conditions.

- C) The following waste lines shall be provided with six inch air gaps at their points of discharge to the waste sump or sewer:
 - i) Main drain bypass or other connections to waste.
 - ii) Sub-surface drains or deck drains around a pool that discharge to a sanitary or combined sewer.
 - iii) Filter backwash or drain lines and overflow lines.
 - iv) Surge tank drain and overflow lines.
 - v) Pump discharge to waste lines.
 - vi) Gutter bypass to waste lines.
 - vii) Back-drainage systems which involve decks which drain toward the pool.

- 2) Inlets.
 - A) Inlets for filtered water shall be located and directed to produce uniform circulation of water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool without the existence of dead spots, and to produce surface flow patterns that effectively assist skimming. In pools with skimmers, inlets installed where the water depth is 18 inches or more shall be installed in the pool wall at a depth of eight inches to 16 inches below the mid-point on the skimmer throat. Each inlet installed in a wall of a pool where skimmers are utilized shall be

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directional.

- B) The velocity of flow through any inlet orifice shall be in the range of 5 to 20 feet per second, except in pools equipped with skimmers it shall be in the range of 10 to 20 feet per second. Velocities for various flows are shown in Appendix B, Table C.

C) Inlets installed in pool walls shall be spaced as follows:

- i) In the shallow end wall, each inlet shall serve a linear distance of no more than eight feet. In the deep end wall, each inlet shall serve a linear distance of not more than 15 feet.

- ii) In pools with a water surface area greater than 1,500 square feet or length in excess of 60 feet, additional inlets shall be provided along side walls at no more than 15 foot intervals.

- iii) The location of inlets in pools with skimmers may vary from the above requirements to allow locations that will assist in skimming.

- D) At least one inlet shall be located in each recessed stairwell or other space where water circulation might be impaired.

- E) Where floor inlets are used, inlets shall be uniformly spaced at a distance of no greater than 20 feet apart and rows of inlets shall be within 15 feet of each side wall.

~~Floor inlets shall be installed in wading areas that are more than 30 feet in width.~~ Floor inlets shall be flush with the pool floor and shall include a diffuser plate to evenly distribute the flow in all directions.

- F) Floor inlets are required in wading areas that are more than 30 feet in width.

- G) If both wall and floor inlets are utilized in a swimming pool, the wall inlets and the floor inlets shall be supplied by separate piping, with valves and flowmeters installed in each so that the flow can be individually regulated and monitored.

3) Outlets.

- A) All pools shall be provided with a main drain at the deepest point. The main drain shall be connected to the recirculation system. Openings must be covered by grating which cannot be removed by bathers without the use of tools. Openings of the grating shall be at least four times the area of the main drain pipe or have an open area so that the maximum velocity of the water passing through the grate does not exceed one and one-half feet per second, or six feet per second when drain grate is of the anti-vortex type. The maximum width of grate openings shall be one-half inch. Main drains and all other suction outlets installed in a pool shall be designed to prevent bather entrapment by one

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of the following methods:

- i) Multiple drains located at least three feet apart, center to center;
ii) One anti-vortex drain;
iii) A single drain with a grate of at least 18 inches by 18 inches.
- B) Multiple outlets shall be provided where the width of the pool is more than 45 feet. In such cases, outlets shall be spaced not less than three feet apart, nor more than 30 feet apart, nor more than 15 feet from side walls, and shall be connected in parallel.
- C) A hydrostatic relief valve shall be provided for in-ground pools.
- D) Main drain piping shall be sized for removal of the water through it at a rate of at least 100% of the design recirculation flow rate. The piping system shall be valved to permit adjustment of flow through it.
- E) In cases where the pool cannot be drained completely through the main drain, a portable pump which will effect complete pool drainage shall be provided.

4) Perimeter Overflow Systems.

- A) Pools which have a width exceeding 30 feet shall have a continuous perimeter overflow system.
- B) A perimeter overflow system shall:

- i) extend completely around the pool except that interruptions not exceeding 25% of the pool perimeter nor 30 feet each may be allowed for steps, water slide entries, and side walls adjacent to zero-depth edges;
- ii) permit inspection, cleaning, and repair;
- iii) be designed so that no ponding or retention of water occurs;

- iv) be designed to prevent the entrapment of bather's arms, legs, and feet;
- v) except at a zero-depth edge, have an overflow lip that provides a good handhold and is level to within one eighth of an inch. At a zero-depth edge, a trench drain covered with a slip-resistant grating installed flush with the pool deck and with the pool floor, and level to within one-eighth inch measured along the pool perimeter, shall be provided;

- vi) provide for the removal of all surface debris skimmed from the pool;
- vii) be designed for removal of water from the pool surface at a rate of at least 100% of the design turnover flow rate;

- viii) discharge to the recirculation system;
- ix) be provided with drains and piping which will not allow the overflow channel to become flooded when the pool is

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in use; and

- x) have drain gratings with open area at least equal to two times the area of the outlet pipe and which can be removed for cleaning.
- C) Surge Capacity. Perimeter overflow systems shall be provided with a surge capacity of at least 0.6 gallon per square foot of pool water surface area. Surge capacity shall be provided either in a vacuum filter tank, in the perimeter overflow system, in the pool in conjunction with provision of surge weirs in the perimeter overflow system, in a surge tank, or combination thereof. Valving shall be provided to maintain the proper operating water level in the pool. Surge weirs shall pass at least 50 percent of the design recirculation flow rate with the water level at the mid-level of the weir. A minimum of one weir shall be provided for each 500 square feet of pool water surface area or fraction thereof. The combined flow rate through all the surge weirs shall not exceed the design recirculation flow rate. Surge weirs shall be uniformly spaced around the pool perimeter. The mid-level of the weir opening shall be at least one inch but no more than two inches below the overflow lip of the perimeter overflow system. A flow-regulating device that will maintain a relatively constant flow rate as the water level is varied shall be included. Surge weirs shall not be utilized at a zero-depth pool.
- 5) Skimmers. Skimmers are permitted on pools where the width does not exceed 30 feet. Where skimmers are provided, the following shall be met:
 - A) At least one skimmer shall be provided for each 500 square feet of water surface area or fraction thereof;
 - B) Skimmers shall be located to optimize skimming;
 - C) Each skimmer and piping shall be designed so that it is capable of providing a flow-through rate of not less than 30 gallons per minute;
 - D) Skimmers shall be piped to provide approximately equal flow through each skimmer;
 - E) The surface skimmer piping shall have a valve to permit adjustment of flow through it;
 - F) Each skimmer shall be provided with an equalizer line at least 1 1/2 inches in diameter, located at least 1 foot below the lowest overflow level of the skimmer. (See Appendix A, Illustration H) A device that will restrict flow through the equalizer pipe during normal operation of the skimmer shall be installed, and a grate shall be installed at the intake to the equalizer pipe in the pool. The grate shall be a convex grate intended for this purpose or one

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- g) that complies with subsection (f)(3);
- G) The skimmer shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency;
- H) Skimming devices shall be built into the pool wall;
- I) A basket which can be removed without the use of tools and through which all overflow water must pass, shall be provided;
- J) The skimmer shall be provided with a floating weir and shall operate at variations in water level over a range of at least 4 inches.
- g) Make-up Water. Make-up water shall be added through a fixed air gap of at least six inches to the pool, surge tank, vacuum filter tank, or other receptacle. When make-up water is added directly to the pool, the fill-spout shall be located under a low diving board or immediately adjacent to a ladder rail, grab rail, or fixed lifeguard chair.
- There shall be no connection between a therapy pool or associated water treatment system with a swimming pool or its recirculation system.
- h) Filtration
 - 1) Filters shall be certified to comply with NSF Standard 50 and listed as such by an approved certification agency. The design filtration rate in the particular application in which the filter is utilized shall not exceed the maximum design filtration rate for which the filter was certified. An official certification label from the certifying agency shall be permanently affixed to the filter.
 - 2) Pressure gauges that indicate the inlet and outlet pressures of pressure filters shall be installed.
 - 3) For pressure filters, an observable free fall discharge, sight glass or other means of determining the clarity of backwash water shall be provided.
 - 4) Overflow piping shall be connected to vacuum filters if the rim of the filter tank is below the pool water level. Drain piping for vacuum filter tanks shall be provided.
 - 5) The backwash rate for sand filters shall be at least 15 gallons per minute per square foot of filter area. A lesser backwash rate may be allowed when air scouring is utilized in accordance with the filter manufacturer's specifications.
 - 6) A filter backwash disposal facility, designed so that flooding, overflowing or excessive splashing does not occur when the filter is backwashed at the required flow rate, shall be provided where filters designed to be backwashed are utilized.
 - 7) A filter precoat pot or funnel shall be installed on the pump suction piping when diatomaceous earth filters are utilized, unless a precoat pot is provided as an integral part of the filter. The filter piping shall allow recycling or disposal of filter effluent during the precoat operation.

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8) If continuous feeding of diatomaceous earth is utilized with a vacuum diatomaceous filter in order to permit a design filtration rate higher than would otherwise be allowable, equipment capable of feeding diatomaceous earth at a rate of at least 1.5 ounces per day per square foot of filter area shall be provided.

9) Filter media for sand filters shall be as specified by the filter manufacturer.

10) Wash or backwash water from diatomaceous earth filters shall be passed through a separation tank designed for removal of suspended diatomaceous earth and solids, prior to disposal.

i) Chemical Feeders

1) Equipment Capacity.

A) Chlorine. Equipment for supplying chlorine or chlorine compounds shall be of sufficient capacity to feed chlorine at a rate of eight parts per million for outdoor pools and three parts per million for indoor pools, based on the flow rate required by the table in subsection (a). Feed rates for various chlorinators and solutions are shown in Appendix B, Table D.

B) Bromine. Equipment for supplying bromine shall be capable of delivering at least 15 parts per million for outdoor pools and five parts per million for indoor pools based on a minimum design flow rate as required by the table in subsection (a).

C) Ozone.

i) Ozone may be used as a supplement to chlorination or bromination as required in subsection (i)(1). Ozone generating equipment and its components shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.

ii) The ambient air ozone concentration shall be less than 0.10 parts per million (p.p.m.) in the vicinity of the ozonator and at the pool water surface. Ambient ozone monitors shall be installed in the equipment room, in the vicinity of the ozone generating equipment, and when the ozonation system is utilized at an indoor swimming pool facility, in the swimming pool enclosure. Audible and visual alarms that are activated by ozone concentrations in excess of .10 parts per million shall be connected to the ozone monitor. The ozone generating equipment shall automatically shut off when the ozone concentration in the air exceeds 0.30 p.p.m. or when the pool recirculation flow is interrupted.

iii) All corona discharge systems shall include a method for removing ozone in the water in excess of 0.1 p.p.m. prior to return to the pool.

2) Positive Displacement Pumps (Hypochlorinators). Where positive displacement pumps are used to inject the disinfectant solution

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into the recirculation line, they shall be of variable flow type, be of sufficient capacity to feed the amount of disinfectant required by subsection (i)(1), and shall be installed such that feeding of chemicals is interrupted whenever the swimming pool recirculation flow is interrupted. Positive displacement pumps for feeding chlorine compounds or chemicals for control of pH shall be certified by a certified laboratory to conform to NSF Standard 50. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed five percent by weight. The solution container shall have a minimum capacity equal to the volume of solution required per day at the feed rate required in subsection (i)(1).

3) Gas Chlorinators.

A) The chlorine supply and gas feeding equipment shall be housed in a separate, relatively airtight room with an out-swinging door. The room shall be provided with an exhaust system which takes its suction not more than eight inches from the floor and discharges outdoors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure through appropriate openings such as filters, grill openings, etc., at a high point opposite the exhaust fan intake shall be provided. The intake to the make-up air supply shall be located where the discharge from the exhaust system will not be drawn back into the room. The room shall have a window with an area of at least 100 sq. inches and shall have artificial lighting. Electrical switches for lighting and ventilation shall be outside and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided.

B) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. In addition, the release of chlorine shall be terminated when the recirculation pump is shut off. Where other than swimming pool recirculated water is used, the supply line shall be equipped with an electric shutoff valve wired to the recirculation pump and shall be equipped with a suitable backflow preventer. (See Appendix A, Illustrations L and N for methods of installation.)

C) Chlorinator vent lines shall terminate outdoors. A screen made from a chlorine-resistant material shall be installed where the vent line terminates outdoors in order to exclude insects.

D) The gas chlorinator shall be the solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.

E) The water supply for the gas feeding equipment shall produce

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the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment.

- 4) pH Control Feeders. At pools with a volume greater than 100,000 gallons, or pools utilizing gas chlorine as a disinfectant, a chemical feed system shall be installed to maintain the pH of pool water within the range of 7.2 to 7.6. The system must be installed so that the feeding of the pH controlling chemical is automatically interrupted whenever the swimming pool recirculation flow is interrupted. A solution tank of at least 15 gallons capacity shall be provided and shall be marked as containing a chemical to control pH. Alternatively, a system incorporating a cylinder of carbon dioxide and injecting mechanism may be employed to lower pH.

- 5) Erosion type Chlorine Feeders.
- A) Erosion type chlorine and bromine feeders shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency.

- B) Only the chemical specified by the feeder manufacturer shall be used as the disinfecting agent.

- C) Erosion type chemical feeders shall be installed in accordance with the equipment manufacturer's instructions.

- 6) Copper/Silver and Copper Ion Generators. All copper/silver and copper ion generators shall be tested in accordance with NSF Standard 50 and listed by an approved certification agency and may only be used as a supplement to chlorination or bromination as required in subsection (1)(1).

(Source: Amended JUL 15 2000 24 Ill. Reg. 11 271.3 effective JUL 15 2000)

Section 820.220 Swimming Pool Bath Preparation Facilities

- a) General. Bath preparation facilities shall be provided in accordance with subsections (b), (c) and (d) of this Section except where the pool is intended to serve living units (such as hotels, motels, apartments, condominiums, dormitories, subdivisions, and resident institutions) where each living unit contains at least one toilet and one shower and is within 500 feet of the pool entrance.

b) Design Requirements

- 1) Bath preparation facilities to be used by both sexes shall be divided into separate areas designated for each sex.
- 2) Floors of bath preparation facilities, including showers, restrooms, dressing and locker rooms, and connecting walkways, shall be slip-resistant, impervious to moisture, and sloped to drain at least one inch in 10 feet. Material used for bathroom floor covering in these areas shall comply with Section 820.200(3)(4), except that alternative floor coverings may be

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installed in locker or dressing areas with prior approval of the Department, if the Department determines that the installation is unlikely to result in a condition detrimental to public health. In considering approval of an installation of an alternative product, the Department shall consider factors such as:

- A) Whether the product is likely to become or to remain wet, considering separation distance between locations where the floor covering product would be installed and wet areas, such as toilet and shower facilities, and anticipated usage of the facility.

- B) Properties of the product, including factors affecting rate of drying, propensity of the product to support microbial growth, and ease of cleaning and disinfecting.
- If the Department determines that a condition detrimental to public health results from the installation of an alternative product, or if there is failure to comply with the care and maintenance conditions specified with the approval, the Department may order removal of the alternative product.

- 3) The layout of bath preparation facilities serving pools with bath loads of greater than 200 shall be such that passage from the showers to the swimming pool shall not require passage through dressing room areas and other dry areas of the bathroom.

- 4) The rooms shall be ventilated and lighted.

- 5) A hose bibb shall be provided in each side of the bath preparation facilities.

- c) Showers, Toilets, and Lavatories. Showers and lavatories shall be provided with liquid or powdered soap dispensers. Showers shall be supplied with water at a temperature of at least 90° F and not more than 115° F with temperature controls that prevent scalding. The number of fixtures provided shall be as shown in Appendix B, Table E. At a swimming pool used by school classes, one shower for every four persons in the largest class shall be provided for each sex, except that in no case shall the number be less than shown in Appendix B, Table E.

- d) Dressing Rooms. For pools with a bath load of more than 300, a dressing area shall be provided for each sex. Shower and toilet areas and walkways shall not be considered dressing areas.

- e) Foot Spray. A foot spray, if provided, shall be supplied from the potable water system or the swimming pool recirculation system, have a spray head 18 to 24 inches above the walkway, have a conveniently located valve, be arranged to spray the bathers from knees to feet as they enter the enclosure, and have a drain.

- f) Foot Bath. No new footbaths may be constructed or installed after May 20, 1999.

(Source: Amended at 24 Ill. Reg. 11 271 effective JUL 15 2000)

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Section 820.230 Wading Pools

- a) Floor. The floor shall be slip-resistant and sloped to the main drain. The slope shall not exceed one vertical in 12 horizontal. No obstructions such as raised drains or steps on which children may fall or become injured, shall be placed in the wading pool area. Designed play items shall be of a design and so located to provide maximum safety to the children.
- b) Material. The floor and walls shall be of light colored impervious materials. All corners shall be coved.
- c) Walk Area. There shall be a walkway at least four feet wide extending entirely around the pool sloped to drain away from the pool. The walks shall be constructed of impervious material with a slip-resistant finish. The walks shall slope not less than one inch in 10 feet away from the pool edge. A hose bibb shall be installed in the pool area.
- d) Barrier. A fence or other effective barrier, at least 3 1/2 feet in height, to separate the wading pool from other pools, shall totally enclose the wading pool and shall separate the wading pool from other pools. Except with regard to height, the barrier shall comply with Section 820.200(a). Any entrance into the wading pool enclosure shall be equipped with a self-closing and self-latching door or gate.
- e) Inlets. Inlets shall be provided as specified for swimming pools by Section 820.210(f)(2). At least two water inlets shall be installed.
- f) Drains. A minimum of two main drains shall be provided at the low point, located at least three feet apart center to center and connected to the recirculation system. The drains shall be piped and valved so that water from the wading pool can be drained by bypassing the filter. Drains shall be provided with grates in compliance with Section 820.210(f)(3)(A) and shall be flush with the pool floor.
- g) Overflow System. A perimeter overflow system shall be provided along at least one-sixth of the perimeter or a skimmer shall be provided for each 500 square feet of water surface area or fraction thereof. The design of the overflow system shall conform to the requirements listed in Section 820.210, except that if a skimmer equalizer line is provided, it shall be connected to the main drain line.
- h) Water Treatment. Recirculation and filtration equipment shall be installed and operated at wading pools that cannot be adequately served by an adjacent swimming pool recirculation system or when existing equipment on adjacent swimming pool recirculation systems cannot meet the requirements of Section 820.210. A separate disinfection system shall be installed and operated for the wading pool. The design of water recirculation, filtration, and disinfection systems shall be in conformance with Section 820.210.

(Source: Amended at 24 Ill. Reg.

11.871 - effective

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SUBPART D: OPERATIONAL REQUIREMENTS

Section 820.300 Personnel

- a) Manager/Operator. A pool manager/operator shall be designated and shall be responsible for the operation of the swimming pool facility in compliance with this Subpart.
- b) Lifeguards. Lifeguards shall be provided as specified below when persons under the age of 16 are allowed in the pool enclosure specified in Section 820.200(a) area without supervision by a parent, guardian or other responsible person at least 16 years of age. At facilities where lifeguards are not provided, a sign shall be posted that states "This facility is not protected by lifeguards. Persons under the age of 16 must be accompanied by a parent, guardian or other responsible person at least 16 years of age. Swimming alone is not recommended."
- 1) Certification. Lifeguards shall be currently certified as such by the American Red Cross, the National Pool and Water Park Lifeguard Training Program, the YMCA, or another lifeguard certifying organization with an equivalent lifeguard certification program, as determined by the Department. Where the certification was issued with restrictions, the certification shall be appropriate for the duty to which the lifeguard is assigned.
- 2) Authority. Lifeguards shall have the authority to order any person who does not comply with the rules of the Department or those of the facility to leave the pool.
- 3) Identification. Lifeguards shall be dressed in swimming attire and be identified as a lifeguard. A copy of each lifeguard's certificate must be available for inspection at the facility.
- 4) Minimum number. At facilities where lifeguards are required, the following minimum number shall be on duty:
 - A) One ~~At-foot~~ one lifeguard per 100 ~~200~~ bathers or 2,000 square feet of water surface area, whichever will result in the lesser greater number. A lifeguard shall not simultaneously guard more than one pool unless the areas under surveillance can be continuously monitored with a clear unobstructed view and immediate assistance can be rendered if needed. At wave pools, a minimum of one lifeguard per 2000 square feet of water surface area or one lifeguard per 100 patrons, whichever results in the greater number;
 - B) At water slides or drop slides, one lifeguard within 50 feet of the discharge point of the slide. Such lifeguards shall not be responsible for guarding the plunge area for the slide and no other areas and shall be in voice or visual communication with the attendant or lifeguard at the top of the slide in order to facilitate safe use of the slide. One

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lifeguard may monitor up to three slides and no other areas if they are adjacent to and discharge to the same plunge area other portions of a swimming pool or beach.

- 5) Lifeguards shall not be subject to duties that would distract their attention from proper observation of persons in the pool area, or that would prevent immediate assistance to persons in distress in the water.

- c) Attendants. At least one attendant or lifeguard shall be on duty at the top of all water slides and drop slides when the slide is in operation in order to control the traffic of individuals using the slide. Attendants shall ensure that the slide is used in a safe and responsible manner. For multiple slides having a common starting platform, an attendant shall not be assigned to monitor more than two slides concurrently.

(Source: Amended JUL 15 2000²⁴ Ill. Reg. 11 271, effective

Section 820.310 Safety Equipment

The following safety equipment shall be readily available for emergency use at all times when the swimming pool facility is open for use:

- a) Rescue Equipment. The following rescue equipment shall be provided and conspicuously displayed at swimming pools except when certified lifeguards are dispatched and each lifeguard is equipped with a rescue device approved by the lifeguard certifying organization.
- 1) A U.S. Coast Guard approved ring buoy with an attached throw rope with a length at least equal to the maximum width of the swimming pool or 50 feet, whichever is less. One such buoy shall be provided for every 2000 square feet of water surface or fraction thereof.
- 2) A life hook or shepherd's crook at least 12 feet in length.
- b) First Aid Kit. One or more first aid kits shall be kept filled with contents as required in Appendix B, Table B. Items which have a shelf life shall be kept current.
- c) Emergency Telephone and Emergency Contact List. A telephone shall be accessible in the vicinity of the swimming pool, in or within 300 feet of the pool enclosure. At a multi-level facility, the emergency telephone shall be located within three levels of the level on which the pool is located. The telephone numbers of the local police, State Police, fire department, physician, ambulance service, and a hospital, or 911 where applicable, shall be posted in a conspicuous place near the telephone. The name, address and telephone number of the swimming pool shall be listed by the telephone. The location of the emergency telephone shall be posted in the swimming pool area unless the telephone is located in the pool area.
- d) Lifeguard Stations. Lifeguard ~~chairs~~ stations shall be located so as to provide a clear unobstructed view of the pool area under

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surveillance.

(Source: Amended at 24 Ill. Reg. 11 271, effective JUL 15 2000)

Section 820.330 Swimming Pool Closing

The manager/operator shall immediately close the pool whenever any of the following conditions exist:

- a) The manager/operator determines that conditions **conditions** at a swimming pool or bathhouse create an immediate danger to health or safety.
- b) Bacteriological results show any of the following:

- 1) Coliform concentration of 10 per 100 ml in two consecutive samples;
- 2) Presence of fecal coliform, E coli, beta hemolytic Streptococcus or Pseudomonas in any sample.
- c) Turbidity exceeds the criteria outlined in Section 820.320(d).
- d) A disinfectant residual consisting of a minimum of 0.5 p.p.m. free chlorine or 1.0 p.p.m. bromine is not present or the disinfection system is inoperable.
- e) The total chlorine concentration exceeds 5 p.p.m. or the total bromine concentration exceeds 10 p.p.m.
- f) When the recirculation pumps and/or the filters are inoperable.
- g) When the pH of the pool water is less than 6.8 or greater than 8.0.
- h) When a patron has defecated or vomited in the pool. When this occurs the manager/operator shall remove visible foreign matter and superchlorinate the affected area of the pool. The pool must remain closed for a minimum of 30 minutes following superchlorination, or longer if necessary, for the disinfectant residual to return to prescribed levels. When an incident occurs in a pool with a capacity greater than 50,000 gallons, the pool operator may elect to prohibit use of the affected area only in lieu of closing the pool.
- i) When a suction or main drain grate is loose, improperly installed, damaged or missing.
- j) When a written notice to close is issued by the Department, in which case the notice shall be posted by the owner, operator or licensee at the entrance to the pool area. The pool shall remain closed until the Department has authorized the reopening of the pool.
- k) When lightning is sighted or thunder is heard at outdoor pool facilities (see Section 820.360).

(Source: Amended JUL 15 2000²⁴ Ill. Reg. 11 271, effective

Section 820.340 Operation and Maintenance

- a) Pool and Pool Area

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- 1) The swimming pool shall be maintained free from sediment, lint, dirt and hair. Cracks and other defects in the pool shall be repaired. The walls, ceilings, floors, equipment and the pool proper shall be maintained so that they are protected from deterioration. All equipment shall be maintained in proper condition, with all required components in place. Equipment required to be NSF Standard 50 certified, including filters, skimmers and chemical feeding equipment, shall not be altered or modified in any way.
- 2) Pool decks shall be rinsed daily. Indoor pool decks shall be disinfected at least weekly. The walks, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean, and sanitary. No furniture, plants or other furnishings shall be placed within four feet of the pool. This area shall be kept free of obstructions such as chairs and baby strollers. The deck shall be kept free of tripping hazards, such as deck surface irregularities, hoses, baby strollers, and maintenance equipment. The deck, walkways and stairs shall be free of areas with poor drainage that retain water.
- 3) Floats or tubes not in use must be removed from the pool.
- 4) Starting Platforms. Starting blocks shall not be used for any other purpose than competitive swimming activities. Starting blocks shall be securely anchored when in use but removed or prohibited from use when not being used in conjunction with competitive swimming or training. The maximum height of the platform above the water shall be 30 inches where the water depth is 4 feet or greater and 20 inches when the water depth is less than 4 feet.
- 5) Safety ropes shall be kept in place except when the swimming pool is being used exclusively for lap swimming or competition.
- 6) Access to grass areas shall be prevented when bare areas develop, when the grass is not regularly maintained, when debris is allowed to accumulate, or an unsightly condition, offensive odor, or a muddy condition exists.
- b) Perimeter Overflow and Skimmers. The perimeter overflow systems or automatic surface skimmers shall be clean and free of leaves or other debris which would restrict flow. The strainer baskets for skimmers shall be cleaned daily. Broken or missing skimmer weirs shall be replaced. The flow through each skimmer shall be adjusted as often as necessary to maintain a vigorous skimming action which will remove all floating matter from the surface of the water. The pool water shall be maintained at an elevation such that effective surface skimming is accomplished. A higher water level may be maintained during official swimming competition. For pools with perimeter overflow systems, adequate surge storage capacity shall be maintained so that flooding of the perimeter overflow system does not occur during periods of peak usage. The flow returning from the pool shall be balanced or valved

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- such that the majority of flow is returned through the perimeter overflow or skimmer system.
- c) Inlet Fittings. Inlets shall be checked frequently so that the rate of flow through each inlet establishes a uniform distribution pattern. Inlets in pools with surface skimmers shall be adjusted as necessary to provide vigorous skimming.
 - d) Bather Preparation Facilities
 - 1) Floors shall be cleaned and disinfected daily.
 - 2) Toilet rooms and fixtures shall be kept clean, free of dirt and debris and in good repair. Floors shall be maintained in a slip-resistant condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times.
 - e) Foot Baths. Foot baths shall be free of dirt, debris and other floating matter and shall be operated by continuously introducing fresh water and discharging used water to waste.
 - f) Security. Doors or gates in the swimming pool enclosure shall be kept closed and locked when the swimming pool is closed.
 - g) Bather Loads. The number of persons within a swimming pool enclosure shall not exceed the permissible bather load established by the Department. Additional patrons may be allowed at other recreational features within the pool enclosure, such as sand play areas, turf sun-bathing areas and picnic areas, if additional toilet facilities are provided. However, the number of patrons in swimming pools, wading pools or on the pool deck shall not exceed the bather load. The bather load shall be posted at the pool entrance or at a location where it can be seen by all patrons and shall be enforced by the manager/operator.
 - h) Electrical Systems shall be maintained in accordance with the National Electrical Code.
 - i) Diving Equipment. Diving equipment shall be maintained in a safe condition, be securely anchored, and have a slip-resistant surface.
 - j) Vacuum Cleaners. Vacuum cleaning shall not be conducted when the pool is in use.
 - k) Operation of Mechanical Equipment
 - 1) Manufacturers' instructions for operation and maintenance of mechanical and electrical equipment, as well as pump performance curves, shall be kept available at the pool. All valves and piping in the equipment room must be permanently identified as to use and direction of flow. A valve operating procedure must be provided in the equipment room for each operation (e.g., recirculation, filtration, backwashing, etc.).
 - 2) Pumps, filters, disinfectant feeders, flow indicators, gauges, and all related components of the pool water recirculation system shall be kept in continuous operation 24 hours a day. A recirculation and filtration flow rate that will result in a turnover period as specified in Section 820.210 shall be maintained at all times, except for wading areas in swimming

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pools constructed prior to May 20, 1999 where such a flow rate cannot be attained without alteration of the recirculation system, in which case a recirculation flow rate that will result in a turnover period of no more than six hours shall be maintained in the wading area.

- 3) Recirculation Pumps. The pump shall not be throttled on the suction side during normal operation except for necessary regulation of flow through main drain piping. Recirculation pumps shall be kept in good repair and condition. The pump discharge or inlet supply line valve shall be adjusted as necessary to maintain the design flow rate.

4) Filtration.

A) The filtration flow rate shall not exceed the maximum filtration design flow rate specified by the filter manufacturer for public swimming pool usage in accordance with NSF Standard 50. Where this rate is not known or has not been determined, the flow rate shall not exceed 15 gallons per minute per square foot of filter area for high-rate sand filters, 3 gallons per minute per square foot for other sand filters, 1.5 gallons per minute per square foot for diatomaceous earth filters, or 0.375 gallons per minute per square foot for cartridge filters, except that a filtration flow rate of up to 2.0 gallons per minute per square foot may be allowed where continuous feeding of diatomaceous earth is utilized with a diatomaceous earth filter in accordance with subsection (k)(3)(C)(iii).

B) Sand Filters.

i) The filter air release valve shall be opened as necessary, to remove air which collects in the filter; and following each backwash.

ii) The filter shall be backwashed when the design flow rate can no longer be achieved, or when specified by the filter manufacturer, whichever occurs first.

C) Diatomaceous Earth Filters.

i) The dosage of diatomaceous earth precoat shall be at least one and one-half ounces per square foot of element surface area. Pressure diatomaceous earth filters shall be backwashed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Whenever the recirculation pump stops or is shut off, the filter shall be thoroughly backwashed and the elements shall be precoated before placing the pump back into operation. Vacuum diatomaceous earth filters shall be washed when the design flow rate can no longer be achieved or when specified by the filter manufacturer, whichever occurs first. Backwashing shall not be performed when the pool is in use.

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ii) During the precoating operation, the initial filter effluent shall be either recirculated through the filter until the filter effluent is clear, or the initial filter effluent shall be discharged to waste until properly clarified water is produced.

iii) When continuous diatomaceous earth feed is utilized so that a filter may be operated at a filtration rate higher than would otherwise be allowable, it shall be applied at a rate of one-half to one and one-half ounces per square foot of surface area per day, or as needed to extend filter cycles.

D) Cartridge Filters. A clean extra set of filter cartridges shall be available at the pool.

5) Hair and Lint Strainers. Hair and lint strainers shall be cleaned to prevent clogging of the suction line and cavitation. The pump shall be stopped before the strainer is opened to avoid drawing air into the pump and losing the prime. In the case of diatomaceous earth filters, the hair strainer basket shall be cleaned immediately prior to precoating the filter.

6) Flowmeters. Flowmeters shall be maintained in an accurate operating condition and readable. ~~The glass-and-the-connecting tubes shall be kept clean.~~

7) Vacuum and Pressure Gauges. The lines leading to the gauges shall be bled occasionally to prevent blockage.

8) Gas Chlorinators

A) Gas chlorinators shall be repaired only by a person trained in servicing these units. The manager/operator shall post the telephone numbers of the appropriate emergency personnel to contact in the event of a chlorine gas emergency.

B) Chlorine cylinders shall be stored indoors in the area designed for that purpose and away from a direct source of heat. They shall be chained or strapped to a rigid support to prevent accidental tipping. Cylinders shall not be moved unless the protection cap is secured over the valve. A National Institute of Occupational Safety and Health (NIOSH) or Mine Safety and Health Administration (MSHA) approved gas mask, approved for use in a chlorine atmosphere, shall be kept outside the chlorine room in an unlocked container at all times. The gas mask canister shall be replaced regularly as per the manufacturer's recommendations.

C) Chlorinators, gas lines, injectors, vent lines and cylinders shall be checked daily for leaks. In case of a chlorine leak, corrective measures shall be undertaken only by trained persons wearing proper safety equipment. All other persons shall leave the dangerous area until conditions are again safe.

9) Positive Displacement Feeders.

A) Positive displacement feeders shall be periodically

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inspected and serviced.

B) When a chemical feeder is used with calcium hypochlorite solution, to minimize sludge accumulation in the unit, the lowest practicable concentration of solution shall be used, and in no case shall this concentration exceed five percent (about 20 pounds of 65% chlorine powder in 50 gallons of water). If liquid chlorine solution is used, the dilution with water is not critical to the operation of the unit. After first thoroughly rinsing with water, a small amount of mild acid solution may be fed through the unit periodically, to dissolve sludge accumulations.

1) Chlorinated Cyanurates: The use of chlorinated cyanurates is subject to the following requirements:

- 1) Superchlorination shall be accomplished by using a chlorine product other than a cyanurate, and
- 2) When the cyanuric acid level exceeds the maximum permissible limit of 100 p.p.m., the pool water must be partially wasted and replenished with fresh water until the cyanuric acid concentration is less than 50 p.p.m.

m) pH Adjustment

- 1) Soda ash or caustic soda may be used to raise the pool water pH.
- 2) Caustic soda shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for the handling and use of this chemical.
- 3) Sodium bisulfate, carbon dioxide gas or muriatic acid shall be used to lower pool water pH. Carbon dioxide cylinders shall be securely chained or otherwise restrained in a manner that will prevent tipping.
- 4) Hydrochloric (muriatic) acid shall only be used in accordance with the manufacturer's instructions. Protective equipment and clothing, including rubber gloves and goggles, must be available for handling this chemical.
- 5) The Department shall be consulted in the event of unusual pH problems including corrosion or scaling or wide fluctuations in pH.

n) Algae Control

- 1) The development of algae shall be eliminated by superchlorinating to 10 p.p.m. and maintaining this level for several hours. The pool shall not be open for use during this treatment. If this fails to eliminate the algae, the Department shall be consulted for further advice.

2) Treated algae which cling to the floor and sides of the pool must be brushed loose, and removed by the suction cleaner and filtration system.

o) Miscellaneous Chemicals

- 1) Chemicals shall be kept covered and stored in the original, labeled container, away from flammables and heat and in a clean,

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dry, well-ventilated place which prevents unauthorized access to the chemicals.

- 2) The chemicals used in controlling the quality of water shall be used only in accordance with the manufacturer's instructions.
- 3) If polyphosphates are used for sequestering iron, the concentration of polyphosphates shall not exceed 10 p.p.m.

p) Acoustics. If noise is excessive, such that safety instructions cannot be heard, corrective action shall be taken.

q) Slides

- 1) Water slide equipment shall be maintained in a safe condition and securely anchored.

2) Only one rider at a time shall be allowed to enter a slide except when designed by the manufacturer for two or more riders.

3) For water slides and drop slides, when the plunge area is not visible from the top of the slide, a means of communication shall be provided between the attendant at the top and the lifeguard at the bottom.

4) At the entrance to water slides and drop slides, a sign shall be posted at the top of the slide warning all sliders not to proceed down the slide until instructed to do by the slide attendant.

(Source: Amended at 24 Ill. Reg. 11 271, effective JUL 15 2000)

SUBPART D: OPERATIONAL REQUIREMENTS

Section 820.360 Patron Regulations

Rules and Instructions. Rules governing the use of the pool and instructions to patrons shall be displayed on placards provided by the Department, or equivalent, at the entrance to dressing rooms or the pool entrance and shall be enforced by the pool manager/operator. Such posting of rules and other instructions shall provide that:

- a) Admission to the pool shall be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, union pads, adhesive tape, rubber bandages, or other bandages of any kind shall also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the pool area.
- b) The pool water is not suitable for drinking. Avoid swallowing pool water.
- c) Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in other than specially designated and controlled sections of the pool area. Glass containers are prohibited.
- d) All persons are encouraged to take a shower before entering the pool.

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not over 100 feet apart and visible to bathers from a distance of at least 100 feet. Within such limits of safe swimming, there shall be no boating, underwater obstructions, or other hazards which may be dangerous or cause injury to swimmers. Signs shall be provided on the beach describing such markers and stating that they indicate the limits of the swimming area.

- 5) Slides. Slides shall comply with Section 820.250.

c) Electrical Wiring. All electrical wiring shall be in accordance with the National Electrical Code in effect at the time of construction.

d) Bathhouses/Toilets

- 1) Requirements for Beaches Established After May 28, 1997 (New)
For all new beaches established after May 28, 1997, a bathhouse shall be provided within 300 feet of the shoreline unless the beach is intended to serve only a residential development located around the lake, and 50 or fewer bathers are anticipated to be present per day. In such cases, at least one toilet or privy shall be provided within 300 feet of the shoreline. Bathhouses shall be designed in accordance with the requirements of Section 820.220(b) and (c). The bather load to be used to determine the required numbers of fixtures shall be provided by the registered engineer or architect who designed the project.

- 2) Requirements for Beaches Established Before May 28, 1997 (Existing)
All existing beaches shall comply with the bathhouse/toilet facility requirements in effect at the time they were constructed, but at least one toilet or privy must be provided when the number of bathers present per day is 50 or fewer. Two toilets or privies must be provided when the number of bathers present per day is 51 to 100. An additional toilet or privy must be provided for each 100 additional bathers. The maximum number of toilets or privies required is ten. The required toilets or privies must be located within 300 feet of the shoreline.

e) Bathing Beach Operation

- 1) Samples of bathing beach water shall be taken by the licensee or manager/operator and submitted to the Department at such times and points as designated by the Department within the area utilized for bathing or swimming purposes. Failure by the bathing beach licensee or manager/operator to submit required water samples within seven days after notification by the Department by certified mail shall be cause for the Department to order the beach to be closed until satisfactory samples are received. Additional samples shall also be obtained at any critical point subject to possible pollution as determined by a sanitary survey.

- 2) During operation, the following bacteriological water quality results shall warrant the actions described:

A) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in each of two samples

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collected on the same day shall require closing the beach. The beach shall not be reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.

- B) A fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml in any single sample of a two sample set shall require the submission of two additional samples to be collected on the same day within 24 hours after notification by the Department. If either of the two follow-up samples exceeds a fecal coliform count of 500 colonies/100 ml or an E. coli count of 235 colonies/100 ml, the beach shall be closed and not reopened until two additional samples collected on the same day are both less than 500 fecal coliform/100 ml or 235 E. coli/100 ml.
- 3) If a survey determines that there are discharges of sanitary or combined sewers, other raw or partially treated sewage, or other hazardous substances to the beach or immediate watershed, or if hazardous materials are found at the beach, the bathing beach shall be closed by written order of the Department.

- 4) Where schistosome dermatitis (swimmers' itch) is known to exist, appropriate measures shall be taken to protect the bathers. Such measures may include posting of warning signs, chemical treatment of the beach or closing the beach. Any chemical treatment shall comply with all Federal, State and local requirements, including prior approval of the Department or its agents.

- 5) The beach manager/operator shall monitor the water depth around diving facilities and prohibit use of any such facilities which do not comply with the minimum water depth requirements of subsection (b)(3) of this Section.

- 6) For all beaches established after May 28, 1997, the beach manager/operator shall enforce the bather load established in subsection (b)(1) of this Section. Additionally, for all beaches the bather density in water less than 5 feet deep shall not exceed one bather per 25 square feet.

- 7) The beach area shall be kept free of any debris including wastes from waterfowl or other wildlife.

- 8) Leakproof, covered refuse containers shall be provided at convenient locations in the beach area. They shall be emptied when necessary to avoid odors and insect breeding.

- 9) At times when the beach is closed seasonally or during normal hours of operation during the operating season, signs proclaiming the closing of the beach shall be prominently posted at the beach unless an effective barrier to prevent access to the beach area is in place.

- F) Lifeguards. Lifeguards shall be provided at bathing beaches which allow bathers under 16 years of age to enter the beach without a responsible person 16 years of age or older present. Lifeguards shall comply with the requirements of Section 820.300(b).

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g) Safety Requirements

- 1) A U.S. Coast Guard approved ring buoy with at least 25 feet of rope shall be available at the beach when bathers are present.
- 2) A telephone shall be available within 500 feet of the beach when bathers are present. The numbers of the local police, fire department, rescue squad and ambulance, and/or 911 numbers shall be posted near the telephone. A portable phone may be used to meet this requirement. The phone may be located in a residence within 500 feet of the beach, provided it will be accessible at all times the beach is in operation. Unless located in the immediate beach area, a sign shall be posted indicating the location of the phone.
- 3) All drownings and injuries or illnesses requiring hospitalization shall be reported to the Department within 24 hours and the Department's "Drowning and Injury Report" form shall be completed and submitted within 7 days.

h) Waiver

- 1) A homeowner's association may apply to the Department for a waiver of the requirements of subsection (d)(2) of this Section by making a written request signed by an officer of the association. The request must contain the following information:
 - A) The requirements from which the homeowner's association seeks a waiver;
 - B) Certification that a majority of the members of the homeowner's association or a majority of the board of directors representing the homeowner's association agreed to be exempt from the requirements requested. If the application for waiver is based on a decision of the board of directors rather than a majority vote of the members, the waiver request must also indicate that all members of the association were notified in writing of the decision to request a waiver and of the requirements from which the association is requesting a waiver. A copy of the notification to members shall be included with the waiver request;
 - C) Certification that the beach normally serves 50 or fewer bathers per day; and
 - D) Certification that the use of the beach is intended only for members of the homeowner's association and their guests.
- 2) Upon submission of the waiver application, a waiver shall be granted only if the following conditions are met:
 - A) All water samples were submitted during the current or previous year as required by subsection (e)(1) of this Section; and
 - B) The closure standards set forth in subsection (e)(2) of this Section were not exceeded during the current or previous year or, if the closure standards were exceeded, the Department or local health department determined that the

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cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach.

- 3) A waiver granted by the Department shall be valid indefinitely, except as provided in this subsection:

- A) A waiver shall become invalid immediately if the beach is closed due to a violation of the standards set forth in subsection (e)(2) of this Section, unless the Department or local health department determines that the cause of the unsatisfactory water quality was not an absence of toilet facilities at the beach;
- B) If the applicant or manager/operator fails to comply with a written order of the Department to submit water samples required by subsection (e)(1), the waiver shall become invalid the date the samples were specified to be submitted;
- C) A waiver shall not apply on any day the homeowner's association anticipates that the number of bathers will exceed 50 (for example, holiday weekends, special events, or parties).
- 4) When a waiver becomes invalid, the required toilet facilities shall be provided before the beach is allowed to operate. If a waiver is invalidated due to the conditions described in subsection (b)(3)(A) or (B), a new waiver application must be filed with and approved by the Department.
- 1) The following rules governing the use of the beach shall be displayed on placards provided by the Department at the entrance to bathhouses or other conspicuous locations and shall be enforced by the beach manager/operator.

REGULATIONS - BEACHES

The following rules govern the use of the beach and shall be enforced by the beach manager/operator.

- 1) The beach water is not suitable for drinking. Avoid swallowing beach water.
- 2) Admission to the beach may be refused to all persons having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious. Persons with excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind may also be refused admittance. A person under the influence of alcohol or exhibiting erratic behavior shall not be permitted in the beach area.
- 3) Littering is prohibited. In addition, no food, drink, gum or tobacco is allowed in the water. Glass containers are prohibited throughout the beach area.
- 4) All children who are not toilet-trained shall wear tight fitting

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- rubber or plastic pants.
- 5) No one should swim alone.
 - 6) Persons under the age of 16 must be accompanied by a responsible person 16 years of age or older unless a lifeguard is present.
 - 7) Personal conduct within the beach must be such that safety is not jeopardized.
 - 8) Diving in shallow water is not permitted.
 - 9) Caution shall be exercised in the use of diving facilities.
 - 10) Swimming is prohibited after sunset or before sunrise, or when thunder is heard or lightning is seen present, including a 15-minute period after the last lightning or thunder is detected observed.
 - 11) No pets are permitted in the beach area.
 - 12) Feeding of wildlife or other actions that encourage their presence is prohibited.

(Source: Amended at 24 Ill. Reg. effective JUL 15 2000)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Emergency Action:
130.101 Amendment
130.551 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) Effective Date of Emergency Amendment: July 12, 2000
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date filed with the Index Department: July 12, 2000
- 8) A copy of the Emergency Amendment is on file and available for public inspection at the Illinois Department of Revenue, Willard Ice Building, 101 West Jefferson, Springfield, IL 62794.
- 9) Reason for Emergency: In order to implement Public Act 91-0872, effective July 1, 2000, emergency rules are necessary.
- 10) A complete Description of the Subjects and Issues Involved: Amends the Retailers' Occupation Tax Act by providing that, beginning on July 1, 2000 and through December 31, 2000, the tax imposed upon motor fuel and gasohol is at the rate of 1.25¢. Provides examples of "motor fuel." Also provides that, beginning on July 1, 2000 and through December 31, 2000, the rate for prepayment of tax on motor fuel and gasohol is one cent per gallon.

11) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	IL Register Citation
130.340	Amendment	2/18/00, 24 Ill. Reg. 2616
130.101	Amendment	2/25/00, 24 Ill. Reg. 3128
130.110	Amendment	2/25/00, 24 Ill. Reg. 3128
130.111	Amendment	2/25/00, 24 Ill. Reg. 3128
130.120	Amendment	2/25/00, 24 Ill. Reg. 3128
130.201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.205	Amendment	2/25/00, 24 Ill. Reg. 3128
130.215	Amendment	2/25/00, 24 Ill. Reg. 3128
130.220	Amendment	2/25/00, 24 Ill. Reg. 3128
130.225	New Section	2/25/00, 24 Ill. Reg. 3128
130.305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.315	Amendment	2/25/00, 24 Ill. Reg. 3128
130.320	Amendment	2/25/00, 24 Ill. Reg. 3128

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130.321	Amendment	2/25/00, 24 Ill. Reg. 3128
130.321	Amendment	2/25/00, 24 Ill. Reg. 3128
130.330	Amendment	5/26/00, 24 Ill. Reg. 7617
130.331	Amendment	2/25/00, 24 Ill. Reg. 3128
130.335	Amendment	2/25/00, 24 Ill. Reg. 3128
130.345	Amendment	2/25/00, 24 Ill. Reg. 3128
130.350	Amendment	2/25/00, 24 Ill. Reg. 3128
130.351	Amendment	2/25/00, 24 Ill. Reg. 3128
130.401	Amendment	2/25/00, 24 Ill. Reg. 3128
130.410	Amendment	2/25/00, 24 Ill. Reg. 3128
130.415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.425	Amendment	2/25/00, 24 Ill. Reg. 3128
130.435	Amendment	2/25/00, 24 Ill. Reg. 3128
130.445	Amendment	2/25/00, 24 Ill. Reg. 3128
130.535	Amendment	2/25/00, 24 Ill. Reg. 3128
130.540	Amendment	2/25/00, 24 Ill. Reg. 3128
130.701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.705	Amendment	2/25/00, 24 Ill. Reg. 3128
130.720	Amendment	2/25/00, 24 Ill. Reg. 3128
130.735	Amendment	2/25/00, 24 Ill. Reg. 3128
130.745	Amendment	2/25/00, 24 Ill. Reg. 3128
130.801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.805	Amendment	2/25/00, 24 Ill. Reg. 3128
130.815	Amendment	2/25/00, 24 Ill. Reg. 3128
130.901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.905	Amendment	2/25/00, 24 Ill. Reg. 3128
130.910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1001	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1201	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1305	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1401	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1405	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1415	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1501	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1515	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1701	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1801	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1901	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1910	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1915	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1925	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1930	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1935	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1940	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1960	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1965	Amendment	2/25/00, 24 Ill. Reg. 3128
130.1971	New Section	2/25/00, 24 Ill. Reg. 3128
130.1975	Amendment	2/25/00, 24 Ill. Reg. 3128

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130.1980	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2000	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2005	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2009	Amendment	5/19/00, 24 Ill. Reg. 7470
130.2010	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2015	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2020	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2035	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2045	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2055	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2060	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2065	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2070	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2075	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2085	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2100	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2105	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2115	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2130	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2145	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2156	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2160	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2165	Amendment	2/25/00, 24 Ill. Reg. 3128
130.2170	Amendment	2/25/00, 24 Ill. Reg. 3128
ILLUSTRATION A		

12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding this Emergency Amendment shall be directed to:

Gina Roccaforte
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the Emergency Amendments begins on the next page:

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RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

Section 130.101 Character and Rate of Tax

130.105 Responsibility of Trustees, Receivers, Executors or Administrators

130.110 Occasional Sales

130.111 Sale of Used Motor Vehicles by Leasing or Rental Business

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130.120 Nontaxable Transactions

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The Test of a Sale at Retail

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Farm Machinery and Equipment

Section 130.305 Food, Drugs, Medicines and Medical Appliances

130.310 Fuel Sold for Use in Vessels on Rivers Bordering Illinois Gasohol

130.320 Fuel Used by Air Common Carriers in International Flights

130.321 Graphic Arts Machinery and Equipment Exemption

130.325 Manufacturing Machinery and Equipment

130.330 Manufacturer's Purchase Credit

130.331 Pollution Control Facilities

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130.340 Oil Field Exploration, Drilling and Production Equipment

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SUBPART D: GROSS RECEIPTS

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TITLE 86: REVENUE

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 130.715 Sub-Certificates of Registration
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 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

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Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale (Repealed)
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130.2005	Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated as Businesses, and Suppliers of Such Persons
130.2006	Sales by Teacher-Sponsored Student Organizations
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130.2008	Sales by Nonprofit Service Enterprises
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130.2050	Sales and Gifts by Employers to Employees
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130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
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130.2075	Sales to Construction Contractors, Real Estate Developers and Speculative Builders
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
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130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
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130.2165	Veterinarians
130.2170	Warehousemen

ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1993; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended

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at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; reclassified at 6 Ill. Reg. 6999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; emergency amendment at 24 Ill. Reg. **11318**, effective July 12, 2000, for a maximum of 150 days.

SUBPART A: NATURE OF THE TAX

Section 130.101 Character and Rate of Tax

EMERGENCY

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The Retailers' Occupation Tax Act (the "Act") [35 ILCS 120] (~~1111~~~~-Rev.~~~~--State-~~1999~~7~~~~---ch.~~~~---1207~~~~---pars.~~~~---440-et-seq.~~) imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. The tax is measured by the seller's gross receipts from such sales made in the course of such business. (For further information concerning "Gross Receipts", see Subpart D of this Part.)

- a) How to Determine Effective Rate
 - 1) For the purposes of the Retailers' Occupation Tax Act, any tax liability incurred in respect to a sale of tangible personal property made in the regular course of business shall be computed by applying, to the gross receipts from such sale, the tax rate in effect as of the date of delivery of such property, provided that if delivery occurs after the tax rate changes, in a transaction in which receipts were received before the date of the rate change and tax was paid on such receipts when received by the seller in accordance with Section 130.430 of this Part at the rate which was in effect when the seller received such receipts, no additional tax will be due or credit allowed because of the delivery of the property occurring after the rate changes.
 - 2) Furthermore, in the case of sales of building materials to real estate improvement construction contractors for use in performing construction contracts for third persons, if such property is delivered to the contractor after the effective date of a rate increase but will be used in performing a binding construction contract which was entered into before the effective date of the increase and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the applicable tax rate will be the rate which was in effect before the effective date of the rate increase. Before a supplier may deliver materials to a construction contractor after the effect prior thereto, the purchasing contractor must give such supplier a written, signed certification stating that specifically described materials are being purchased for use in performing a binding contract which was entered into before the effective date of the rate increase (specifying such date) and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer. Identifying the construction contract in question by its date and by naming the contractor's construction work involved, and by giving the location on the job site where the construction contract is being performed or is to be performed.
- b) Tax Rate in Effect

The effective rate from January 1, 1985, through December 31, 1989, is 5%. On and after January 1, 1990, the effective rate is 6.25%. *Beginning on July 1, 2000 through December 31, 2000, with respect to motor fuel and gasoline, the tax is imposed at the rate of 1.25%.* (Section 2-10 of the Act)

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NOTICE OF EMERGENCY AMENDMENTS

"Diesel Fuel" is defined as any petroleum product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark. [35 ILCS 505/2]

"Gasohol" means motor fuel that is no more than 90% gasoline and at least 10% denatured ethanol that contains no more than 1.2% water by weight. [35 ILCS 105/3-40]

"Motor Fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, operating motor vehicles. Among other things, "Motor Fuel" includes "Special Fuel". [35 ILCS 505/1.1]

"Special Fuel" means all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5, example (A) of the Motor Fuel Tax Law or combustible gases as defined in Section 5, example (B) of the Motor Fuel Tax Law. "Special Fuel" includes diesel fuel. [35 ILCS 505/1.13]

By way of illustration and not limitation, the following are considered motor fuel:

- 1) Gasoline
- 2) Diesel fuel
- 3) Combustible gases (e.g., liquified petroleum gas and compressed natural gas) delivered directly into the fuel supply tanks of motor vehicles

4) Gasohol

By way of illustration and not limitation, the following are not considered motor fuel:

- 1) Avgas
- 2) Jet fuel
- 3) L-K kerosene
- 4) Combustible gases unless delivered directly into the fuel supply tanks of motor vehicles
- 5) Heating oil (e.g., kerosene and fuel oil) unless delivered directly into the fuel supply tanks of motor vehicles, in which case it is considered diesel fuel

c) Effective Date of New Taxes

When something that has been exempted becomes taxable as to sales that are made on and after some particular date, the date of sale for this purpose shall be deemed to be the date of the delivery of the property. This is true even if such delivery is made under a contract that was entered into before the effective date of the new tax.

d) Relation of Retailers' Occupation Tax to Use Tax

The Retailers' Occupation Tax is an occupation tax whose legal incidence is on the seller, rather than on the purchaser. However,

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

with the enactment of the Use Tax Act in 1955 [35 ILCS 105] {~~111-Rev-Stat--1989--ch-120--pars-439-1-et-seq--~~}, the retailer became a tax collector under that Act and is required to comply with the bracket systems or tax collection schedules prescribed in the Department's Use Tax Regulations for the collection of the Use Tax by retailers from users. There no longer is any occasion for the retailer to shift the burden of the Retailers'

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective July 12, 2000, for a maximum of 150 days)

Section 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel

EMERGENCY

a) Every distributor, supplier or other reseller of motor fuel registered under the Motor Fuel Tax Law shall remit the Retailers' Occupation Tax prepayment due from a person engaged in the business of selling any motor fuel, except liquid propane gas or gasohol, at retail and who is not a licensed distributor or supplier, as defined in Section Sections 1.2 9 or 1.14 3e, respectively, of the Motor Fuel Tax Law. [35 ILCS 505/1.2 and 1.14] {~~111-Rev--Stat--1985--ch-120--pars-439-and-439a--~~}

b) Before July 1, 2000 and then beginning on January 1, 2001 and thereafter, the ~~the~~ Retailers' Occupation Tax paid to such distributor, supplier or other reseller of motor fuel shall be an amount equal to four ~~three~~ cents per gallon of the motor fuel, except gasohol as defined in Section 2-10 of the Act which shall be an amount equal to 3 cents per gallon, purchased from such distributor, supplier or other reseller. Beginning on July 1, 2000 and through December 31, 2000, the Retailers' Occupation Tax paid to such distributor, supplier or other reseller of motor fuel shall be an amount equal to one cent per gallon of the motor fuel and of gasohol as defined in Section 2-10 of the Act.

c) The distributor, supplier or other reseller required to remit such Retailers' Occupation Tax shall file returns and deliver statements of the tax paid in accordance with Sections 2e and 2f of ~~this~~ Act.

d) The vendor's discount provided in Section 3 of the Retailers' Occupation Tax Act shall not apply to the amount of prepaid tax which is remitted to the Department. [35 ILCS 120/2d, 2e, and 2f] {~~111-Rev-Stat--1989--ch-120--pars-443d--444e-and-444f--~~}

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective July 12, 2000, for a maximum of 150 days)

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part: Office of Inspector General Adults with Disabilities Abuse Project

2) Code Citation: 59 Ill. Adm. Code 51

3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 10034

4) Date, Time and Location of Public Hearings:

Wednesday, Aug. 23, 2000
10:00 A.M. - 12:00 P.M.
Room 9-031

James R. Thompson Center
100 West Randolph
Chicago, Illinois

Friday, Aug. 25, 2000
10:00 A.M. - 12:00 P.M.
Lincoln Library Carnegie Rm.
326 S. 7th St.
Springfield, Illinois

5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed rulemaking. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:

- a) No oral testimony shall exceed an aggregate of ten (10) minutes. All persons wishing to provide oral testing must register by 11:00 A.M.
- b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by August 11, 2000.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

6) Name and Address of Agency Contact Person: Questions regarding these proposed Amendments or the public hearing shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

DEPARTMENT OF LABOR
NOTICE OF PUBLIC HEARING

Pursuant to section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (2000), the Illinois Department of Labor will conduct a hearing involving an objection to its determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in low-voltage electrical work on public works projects in St. Claire County, State of Illinois, and the prevailing rate of wages for the classifications.

1) Date, Time and Location of Public Hearings:

Wednesday, July 26, 2000
10:00 A.M.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

2) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1805

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION

2000 SECOND QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515/1 et seq.

2. Summary of Information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Payroll Factor
Bond Premium Amortization	Property Factor
Dividends	Sales Factor
Interest	Transportation Services
Net Operating Loss	Other Rulings (Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings (Not Included Above)	Bankruptcy
Administrative Review	Base Income
Allocation	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
(For Alternative Apportionment Rulings, See That Heading)	Books And Records
Alternative Apportionment	Bulk Sales: See Sales Outside The Ordinary Course Of Business (Bulk Sales)
Amnesty	
Apportionment	
Financial Organizations	

DEPARTMENT OF REVENUE

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Insurance Companies
(Also See Subtraction Modifications - Valuation Limitation)

Check Off Funds

Circuit Breaker

Claims For Refunds: See Refunds

Collection

Combined Unitary Return
(Also See Unitary)

Commercial Domicile

Compensations

Composite Returns

Confidentiality

Credits

Coal Research And Utilization

Credit For Replacement Tax Paid

Credit For Residential Real Property Taxes

Enterprise Zone Investment

Foreign Tax

High Impact Business Investment

Jobs Tax

Property Tax

Replacement Tax Investment

Research And Development

Training Expense

Other Rulings (Not Included Above)

Deficiencies

Definitions

Domestic International Sales Corporations (DISC's)

Elections: See Combined Unitary Return, Extensions, Unitary

Enterprise Zones
(Also See Credits, Subtraction Modifications)

Erroneous Refund: See Refunds

Estates

Estimated Tax

Exempt Organizations

Extensions

Failure To File: See Penalties

Failure To Pay: See Penalties

Farmers: See Estimated Tax

Return, Net Operating Loss

Business Income

Capital Gains (Losses)

Federal Returns

Fiduciaries

Financial Organizations: See Apportionment

Foreclosure

Foreign Sales Corporations (FSC's)

Foreign Tax: See Credits

Foreign Trade Zones: See Subtraction Modifications, Credits-Jobs Tax

Forms

Fraud: See Penalties

Fringe Benefits

IRC s.s. 125 "Cafeteria" Plans

IRC s.s. 401(k) Plans

Other Rulings (Not included above)

Gain (Loss): See Capital Gains

Valuation Limitation

Information Reports

Insurance Cos.: See Apportionment

Interest Income (Also see Addition Modifications, Subtraction Modifications)

Interest on Refunds and Deficiencies

International Tax Issues

IRC s.s. 338

Jeopardy: See Assessment

Judicial Review

Liens

Limited Liability Companies

Lottery

Medical Care Savings Accounts

Military (Also see Subtraction Modifications)

Miscellaneous

Modifications: Additional: See Addition Modifications

Modifications Subtraction: See Subtraction Modifications

Mutual Funds: See Subtractions

Modifications

Net Income (Loss) and Net Loss

Deduction (IITA s.s. 207) (Also See Base Income, Capital Gains (Losses), Combined Unitary

DEPARTMENT OF REVENUE

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And Net Operating Loss

Deduction, Unitary)

Regulated Investment Companies

Replacement Tax (Also See Credits)

Requirements Of Requests For

Private Letter Rulings

Nexus: See Public Law 86-272/Nexus

Nonbusiness Income

Nonresidents: See Residency/Nonresidency

Notice And Demand: See Notices

Notice Of Declassification Trust

Nuclear Decommissioning Trust

Overpayments: See Refunds

(Also See Estimated Tax)

Partnerships

Payments

Payroll Factor: See Apportionment

Penalties

Failure To File (IITA s.s. 1001)

Failure To File Withholding Returns Seizure (IITA s.s. 1004)

Failure To Pay (IITA s.s. 1002)

Failure To Pay Estimated Tax (IITA s.s. 804)

Fraud (IITA s.s. 1002)

Reasonable Cause (IITA s.s. 1001)

Underpayment Of Tax (IITA s.s. 1005)

Other Rulings (Not Included Above)

Pensions (Also See Subtraction Modifications)

Political Organizations

Professional Athletes

Property Factor: See Apportionment

Property Tax: See Subtraction Modifications

Protest

Public Law 86-272/Nexus

Rate Of Tax

Real Estate Investment Trusts

Reasonable Cause: See Penalties

Refunds (Also See Subtraction Modifications)

Statute of Limitations

Support F Income

Transportion Services

Valuation Limitation

Other Rulings (Not Included Above)

Other Rulings (Not Listed Above)

Regulated Investment Companies

Replacement Tax (Also See Credits)

Requirements Of Requests For

Private Letter Rulings

Residency/Nonresidency

Returns (For Combined Unitary Return And Composite Return Rulings, See Those Headings

Amended Returns

Due Dates

Requirements To File

Short Period Returns

Other Rulings (Not Listed Above)

S Corporations

Sales Factor: See Apportionment

Sales Outside the Ordinary Course of Business (Bulk Sales)

Seizure

Separate Accounting: See Alternative Apportionment

Signature

Specific Accounting

Statute of Limitations: See Assessments, Collection, Deficiencies,

Subchapter 'S' Corporations: See Corporations

Subpart F Income: See Subtraction Modifications

Subtraction Modifications

Bond Premium Amortization

Enterprise And Foreign Trade Zones

Health Insurance Premiums Paid By The Self-Employed

Illinois Tax Refund

Interest On U.S. Government Obligations

Military

Money Market Mutual Funds

Pensions

Qualified Pension Plans

Real Estate Taxes

Employee Benefits

Exemptions

Personal Services Contracts

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION
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ALTERNATIVE APPOINTMENT
IT 00-0042-GIL 05/15/2000 Petition for alternative apportionment under IITA Section 304(f) denied. The petition contained no evidence showing that the rule for apportioning partnership income in the hands of a partner failed to reflect the partner's business activities within Illinois. (This is a GIL.)

APPORTIONMENT - SALES FACTOR
IT 00-0041-GIL 04/24/2000 Payments to a partner for services rendered to a partnership are not expenses under GAAP and thus are not a "cost of performance" for purposes of determining whether a sale is sourced to Illinois. (This is a GIL.)

IT 00-0049-GIL 06/12/2000 The sales factor cannot be negative. (This is a GIL.)

ASSESSMENT
IT 00-0037-GIL 04/07/2000 The Illinois constitution prohibits the imposition of a personal property tax. (This is a GIL.)

BASE INCOME
IT 00-0040-GIL 04/20/2000 Response to questionnaire on Illinois tax treatment of employee benefit programs. (This is a GIL.)

COMPOSITE RETURNS
IT 00-0038-GIL 04/07/2000 A Subchapter S corporation may file composite returns on behalf of its nonresident individual shareholders without obtaining prior approval from the Department of Revenue. (This is a GIL.)

CONFIDENTIALITY
IT 00-0043-GIL 05/18/2000 20 ILCS 2505/39b54 permits the Department to publish the names of presidents of corporations that are delinquent in paying final tax liabilities, in addition to publishing the names of the corporations. (This is a GIL.)

CREDITS - REPLACEMENT TAX INVESTMENT
IT 00-0046-GIL 06/05/2000 A bank is not a "retailer" for purposes of the replacement tax investment credit. (This is a GIL.)

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Taxability in Other States (IITA s.s. 1405.2)
Taxable Year Reciprocal Agreements
Transferees Other Rulings (Not Listed Above)
(Also See Sales Outside The Ordinary Course of Business (Bulk Sales))
Transportation Services:See Apportionment
Trusts
Uniform Penalty And Interest Act
Unitary (Also See Combined Unitary Return)
U.S. Government Obligations:See Subtraction Modifications
Valuation Limitation
Voluntary Disclosure Agreements
Waiver On Assessments:See Assessment
Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
(217) 782-6996

DEPARTMENT OF REVENUE

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2000 FOURTH QUARTER SUNSHINE INDEX

ESTIMATED TAX

IT 00-0035-GIL

04/03/2000 The fourth estimated tax payment for calendar year taxpayers is January 15 for individuals and December 15 for corporations. (This is a GIL.)

PARTNERSHIPS

IT 00-0045-GIL

05/24/2000 Nonresident partners allocate to Illinois their partnership shares of the business income of the partnership apportioned to Illinois by the partnership. (This is a GIL.)

PUBLIC LAW 86-272/NEXUS

IT 00-0048-GIL

06/12/2000 The Department does not ordinarily give binding rulings on the existence of nexus with a particular taxpayer. (This is a GIL.)

REFUNDS - OTHER RULINGS

IT 00-0047-GIL

06/06/2000 Requests for refund must be made by filing of a proper claim. (This is a GIL.)

RESIDENCY/NONRESIDENCY

IT 00-0039-GIL

04/18/2000 The Department of Revenue cannot issue a private letter ruling determining that an individual is a nonresident. (This is a GIL.)

S CORPORATIONS

IT 00-0036-GIL

04/07/2000 There is no limitation on the deduction for capital losses incurred that is allowable in computing the replacement tax liability of a Subchapter S corporation. (This is a GIL.)

WITHHELDING - OTHER RULINGS

IT 00-0044-GIL

05/18/2000 Illinois income tax is not required to be withheld from retirement income exempt from Illinois taxation, but may be withheld at the request of the recipient. No information return filing is required. (This is a GIL.)

CAPITAL DEVELOPMENT BOARD

JULY 2000 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Procurement Practices, 44 Ill. Adm. Code 910

1) Rulemaking Proposed Amendments

A) Description: Reformatting and clarification of provisions.

B) Statutory Authority: Implementing and authorized by Sections 9.06 and 16 of the Capital Development Board Act (20 ILCS 3105) and the Illinois Procurement Code (30 ILCS 500).

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 1, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

Fredrick W. Hahn, Chief Counsel
Wm. G. Stratton Building, 3rd Floor
Springfield IL 62706
217/782-0700

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Standards for Award of Grants: School Construction Program, 71 Ill. Adm. Code 40

1) Rulemaking Proposed Amendments

A) Description: Reformatting and clarification of provisions.

B) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 5-55 of that Act, and the School Construction Law [105 ILCS 230].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Not known at this time

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

CAPITAL DEVELOPMENT BOARD

JULY 2000 REGULATORY AGENDA

Fredrick W. Hahn, Chief Counsel
 Wm. G. Stratton Building, 3rd Floor
 Springfield IL 62706
 217/782-0700

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Bonding Guidelines, 71 Ill. Adm. Code 50

- 1) Rulemaking: Proposed Amendments

- A) Description: Updating the statutory provisions and reformatting for clarification.

- B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: Not known at this time

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Fredrick W. Hahn, Chief Counsel
 Wm. G. Stratton Building, 3rd Floor
 Springfield IL 62706
 217/782-0700

- G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENDA

- a) Parts (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

- 1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) and its vehicle emissions test contractor began enhanced vehicle inspection and maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the federal Clean Air Act [42 USC Sections 7401 et seq.] and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-1 et seq.]. The Board adopted amendments to Part 240 that provide the necessary standards for Enhanced I/M testing on December 1, 1994, in dockets R94-19 and R94-20. However, the IEPA has stated that it believes that certain clarifications of the Part 240 rules may be needed to ensure consistency with recent federal guidance and IEPA procedural rules contained at 35 Ill. Adm. Code 276. For these reasons, the IEPA has stated that it may submit a proposal for regulatory amendments before the Board. A specific element of this rulemaking would be amendments to fast-pass" exhaust emissions standards contained in Part 240.

- B) Statutory Authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

- C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the summer or fall of 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the summer or fall of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENDA

F) Agency contact person for information:

Christopher Demeroukas
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 240.

b) Parts (Headings and Code Citation): Procurement (44 Ill. Adm. Code 550)

1) Rulemaking:

A) Description: The Illinois Environmental Protection Agency ("IEPA") is preparing a rulemaking to implement the requirements of the Architectural, Engineering and Land Surveying Qualifications Based Selection Act, 30 ILCS 535/1, et seq ("QBSA"). The IEPA will propose a repealer for the rules at Part 550 of Title 44, which were promulgated under the Illinois Purchasing Act (now repealed) and are outdated. The IEPA will also simultaneously propose new rules for Part 550, which will implement the QBSA. Those rules will outline IEPA procedures for procuring services under the QBSA.

B) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Environmental Protection Act [415 ILCS 5/4] and implementing Sections 20 through 55 of the QBSA.

C) Scheduled meeting/hearing dates: The IEPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: August 1, 2000

E) Affect on small businesses, municipalities or not for profit corporations: Small businesses that wish to perform services for the IEPA covered by the QBSA will be affected by these rules.

F) Agency contact person for information:

Christopher P. Perzan
Illinois Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENDA

1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

G) Related Rulemaking and other pertinent information: None

c) Parts (Headings and Code Citations): Alternative Compliance Market Account (35 Ill. Adm. Code 259)

1) Rulemaking:

A) Description: The proposed rule would establish procedures for the Illinois EPA to administer funds collected into the alternative compliance market account (ACMA) fund, which is used under the emissions reduction market system rule (ERMS) (35 Ill. Adm. Code 203).

B) Statutory Authority: Implementing and authorized by Sections 4(k) and 9.8(e) of the Environmental Protection Act, [415 ILCS 5/4(k) and 9.8(e)].

C) Scheduled meetings/hearing dates: None is scheduled

D) Date agency anticipates First Notice: Summer 2000

E) Affect on small businesses, small municipalities, or not for profit corporations: This rule would simply provide procedural requirements for the Agency to implement its administration of the ACMA fund. Any small businesses, small municipalities or not-for-profit organizations that are a major source of volatile organic material emissions in the Northeastern Illinois ozone non-attainment area and subject to the ERMS rule would need to abide by the procedures adopted in the rule if the source accessed the ACMA.

F) Agency contact person for information:

Bonnie Sawyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENCY

- d) Parts (Headings and Code Citations): Annual Emissions Report (35 Ill. Adm. Code 254)

1) Rulemaking:

- A) Description: The proposed amendments to the annual emissions report rule would require additional reporting of hazardous air pollutants for sources located in the Northeastern Illinois ozone non-attainment area that are subject to the emissions reduction market system rule (35 Ill. Adm. Code 205).

- B) Statutory Authority: Implementing and authorized by Section 4(b) of the Environmental Protection Act (415 ILCS 5/4(b)).

- C) Scheduled meetings/hearing Dates: None is scheduled

- D) Date agency anticipates First Notice: Summer 2000

- E) Affect on small businesses, small municipalities, or not for profit corporations: Any small businesses, small municipalities or not-for-profit organizations that are a major source of volatile organic material emissions in the Northeastern Illinois ozone non-attainment area may potentially be affected by this rule, which would require more specific reporting.

- F) Agency contact person for information:

Bonnie Sawyer
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- G) Related rulemakings and other pertinent information: None
- e) Parts (Heading and Code Citation): Accreditation and Operation of Environmental Laboratories, (35 Ill. Adm. Code 186)

1) Rulemaking:

- A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal to amend 35 Ill. Adm. Code 186 to respond to a recent audit of the Illinois EPA/Division of Laboratories (DOL) Environmental Laboratory

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENCY

Accreditation Program (IL ELAP) by the United States Environmental Protection Agency's National Environmental Laboratory Accreditation Program (NELAP), and to recent changes to the National Environmental Laboratory Accreditation (NELAC) standards. The proposed amendments to the IEPA's rules in Part 186 are required for the IL ELAP to become a NELAP-approved program.

- B) Statutory Authority: Implementing and authorized by Sections 4(o) and 4(p) of the Illinois Environmental Protection Act (415 ILCS 5/4(o) & (p)).

- C) Scheduled meeting/hearing dates: The IEPA met with the Ad-hoc Environmental Laboratory Advisory Committee in July 1999.

- D) Date agency anticipates First Notice: September 1, 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will allow commercial laboratories in Illinois to compete with commercial laboratories in other NELAP approved states. In absence of this rulemaking, the IL ELAP would not be approved for NELAP, putting Illinois' commercial laboratories at a competitive disadvantage with commercial laboratories in other NELAP approved states.

- F) Agency contact person for information:

Ron Turpin, Manager
Laboratory Accreditation Section
Division of Laboratories
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794-9276
(217) 785-7475

- G) Related Rulemaking and other pertinent information: None
- f) Parts (Headings and Code Citations): Public Water Supplies, Technical Policy Statements, (35 Ill. Adm. Code 651 through 654)

1) Rulemaking:

- A) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators and official custodians of public water supplies.

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENDA

More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. The amendments to these Illinois EPA rules will also incorporate technical, financial, and managerial requirements for new public water supplies (PWS). The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, *inter alia*, amends Sections 15 and 18 of the Environmental Protection Act (Act) [415 ILCS 5/15 and 5/18] to require that new PWS have the technical, financial, and managerial capacity to meet federal and State Drinking water regulations. The Governor signed this bill into law on August 14, 1998.

B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].

C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: December 1, 2000

E) Affect on small business, small municipalities or not for profit corporations: These amendments will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and new not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information:

Lou Allyn Byus
Field Operations Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

JULY 2000 REGULATORY AGENDA

Springfield, IL 62794-9276
217-782-8653

G) Related rulemaking and other pertinent information: None

g) Parts (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Loan Fund, (35 Ill. Adm. Code 365)

1) Rulemaking:

A) Description: This rulemaking amends the Agency's present Water Pollution Control loan rules to update and make them consistent with current Federal guidance and the Agency's rules for the Public Water Supply Loan Program, 35 Ill. Adm. Code 663.

B) Statutory Authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 19.8].

C) Schedule meeting/hearing date: The Agency has not yet scheduled a hearing or meeting on these proposed rules.

D) Date agency anticipates First Notice: August 30, 2000

E) Affect on small businesses, small municipalities or not for profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.

F) Agency contact person for information:

Ron Drainer
Infrastructure Financial Assistant Section
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276
(217) 782-2027

G) Related rulemaking and other pertinent information: The Bureau of Water, Division of Public Water Supplies, has proposed revisions to the loan program for public water supplies. This rulemaking, 35 Ill. Adm. Code 662, is pending submission for Second Notice.

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- h) Parts (Heading and Code Citation): Design Criteria for Sludge Application on Land, (35 Ill. Adm. Code 391)

1) Rulemaking:

- A) Description: This rulemaking amends the Illinois procedures for sludge application on land to make them consistent with Federal requirements.
- B) Statutory Authority: 415 ILCS 5/11(b), 39(b)
- C) Scheduled meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: September 1, 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: These amendments impose new requirements for any small business, small municipality or not for profit corporation that generates, uses or distributes sludge for application on land.

F) Agency contact person for information:

Alan Keller, P.E.
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield IL 62794-9276
(217) 782-0610

- G) Related rulemaking and other pertinent information: The Agency is preparing a rulemaking proposal for filing with the Illinois Pollution Control Board, Standards for Sludge Management, 35 Ill. Adm. Code 313, that sets substantive requirements for land application of sludge, including limitations on pollutant concentrations.

- i) Parts (Heading and Code Citation): Procedures For Collection Of Review And Evaluation Services Costs (35 Ill. Adm. Code 859)

1) Rulemaking: Proposed Repealer

- A) Description: 35 Ill. Adm. Code Part 859 contains procedures detailing the review and evaluation services the Agency may agree to provide pursuant to Subsection 22.2(m) of the Environmental Protection Act (415 ILCS 5/22.2(m)).

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- Subsection 22.2(m) was repealed in 1995. As a result, Part 859 is now obsolete.

- B) Statutory Authority: Section 22.2(m)(6) of the Environmental Protection Act (415 ILCS 5/22.2(m)(6)) (repealed).

- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

- D) Date agency anticipates First Notice: Summer or Fall of 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: The Part proposed for repeal is obsolete. Therefore, small businesses, small municipalities and not for profit corporations will not be affected by the proposal.

F) Agency contact person for information:

M. Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

- G) Related rulemaking and other pertinent information: None presently known

- j) Parts (Heading and Code Citation): State Remedial Action Priorities List (35 Ill. Adm. Code 860)

1) Rulemaking: Proposed Repealer

- A) Description: 35 Ill. Adm. Code Part 860 contains procedures for creating the State Remedial Action Priorities List (SRAPL), which was intended to serve as an information tool for use by the Agency in identifying sites that appeared to present a significant risk to public health, welfare or the environment. This part was declared void in *States Land Improvement Corp. v. Environmental Protection Agency*, 596 N.E.2d 1164, 173 Ill. Dec. 285 (4th Dist. 1992).

- B) Statutory Authority: Sections 4 and 22.2(d) of the Environmental Protection Act (415 ILCS 5/4 and 5/22.2(d)) and 35 Ill. Adm. Code 750.440(d).

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

- D) Date agency anticipates First Notice: Summer or Fall of 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: The Part proposed for repeal has been declared void. Therefore, small businesses, small municipalities and not for profit corporations will not be affected by the proposal.

F) Agency contact person for information:

M. Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

- G) Related rulemaking and other pertinent information: None presently known

- k) Parts (Heading and Code Citation): Measurement Procedures For The Enforcement Of 35 Ill. Adm. Code 900 and 901 (35 Ill. Adm. Code 951)

1) Rulemaking: Proposed Repealer

- A) Description: 35 Ill. Adm. Code Part 951 contains regulations establishing personnel qualifications, instrumentation and measurement techniques for conducting sound pressure level measurements. The Agency adopted these regulations pursuant to 35 Ill. Adm. Code 900.103, which allows the Agency to adopt procedures which set forth criteria for the measurement of sound. The procedures set forth in Part 951, however, are based upon standards that are now obsolete. As a result, part 951 is no longer used. Furthermore, the Board held in R89-7, In re General Motors Corp. Proposed Amendments to 35 Ill. Adm. Code 900.103 and 901.104, Adopted Rule and Final Order (Jan. 22, 1987), that Part 951 deviated from the standards established by the American National Standards Institute ("ANSI") sufficiently to violate the Board's intent that sound measurements used to assess compliance with its noise regulations be in substantial conformance with such standards. In connection with this action, the Agency plans to propose amendments to 35 Ill. Adm. Code Part 900 to update the ANSI measurement procedures

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referenced therein.

- B) Statutory Authority: Sections 25 and 27 of the Environmental Protection Act (415 ILCS 5/25 and 27) and 35 Ill. Adm. Code 900.103

- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

- D) Date agency anticipates First Notice: Summer or Fall of 2000

- E) Affect on small businesses, small municipalities or not for profit corporations: The Part proposed for repeal is obsolete. Therefore, small businesses, small municipalities and not for profit corporations will not be affected by the proposal.

F) Agency contact person for information:

M. Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

- G) Related rulemaking and other pertinent information: The Agency is planning to repeal 35 Ill. Adm. Code Part 952 concurrently with part 951. In addition, the Agency plans to propose amendments to the Illinois Pollution Control Board to update the ANSI standards referenced in 35 Ill. Adm. Code Part 900 and to correct an inconsistent method of measurement required by 35 Ill. Adm. Code 901.104.

- 1) Parts (Heading and Code Citation): Measurement Procedures For The Enforcement Of 35 Ill. Adm. Code 902 (35 Ill. Adm. Code 952)

1) Rulemaking: Proposed Repealer

- A) Description: 35 Ill. Adm. Code Part 952 contains procedures for the inspection, surveillance and measurement of motor vehicles and motor vehicle equipment to determine whether they conform to the noise standards specified in 35 Ill. Adm. Code 902. These regulations were adopted by the Agency to carry out 35 Ill. Adm. Code 900.103. The procedures set forth in Part 902, however, are based upon standards that are now obsolete. As a result, part 952 is no longer used

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In connection with this action, the Agency plans to propose amendments to 35 Ill. Adm. Code Part 900 to update ANSI measurement procedures referenced therein.

- B) Statutory Authority: Sections 25 and 27 of the Environmental Protection Act [415 ILCS 5/25 and 27] and 35 Ill. Adm. Code 900.103
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.
- D) Date agency anticipates First Notice: Summer or Fall of 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: The Part proposed for repeal is obsolete. Therefore, small businesses, small municipalities and not for profit corporations will not be affected by the Proposal.

F) Agency contact person for information:

M. Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

- G) Related rulemaking and other pertinent information: The Agency is planning to repeal 35 Ill. Adm. Code Part 951 concurrently with part 952. In addition, the Agency plans to propose amendments to the Illinois Pollution Control Board to update the ANSI standards referenced in 35 Ill. Adm. Code Part 900 and to correct an inconsistent method of measurement required by 35 Ill. Adm. Code 901.104.

- m) Parts (Heading and Code Citation): Licensing of Industrial Hygienists (35 Ill. Adm. Code 184)

1) Rulemaking: Proposed Amendment

- A) Description: 35 Ill. Adm. Code Part 184 contains regulations governing the procedures to be used by the Illinois Environmental Protection Agency in administering a system for the licensing and sanctioning of industrial hygienists. The Agency plans to propose an increase in the license renewal fee for a unexpired licenses from \$50.00 to \$100.00

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to allow the licensing program to remain self supporting.

B) Statutory Authority: Implementing and authorized by the Industrial Hygiene Licensing Act [225 ILCS 52/1 et. seq.]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

- D) Date agency anticipates First Notice: Summer or Fall of 2000
- E) Affect on small businesses, small municipalities or not for profit corporations: The proposed amendment is not expected to affect small businesses. The Licensed Industrial Hygienist is voluntary and unlicensed industrial hygienists are not precluded from practicing in Illinois. Furthermore, small municipalities and not for profit corporations are not expected to be affected because only natural persons may obtain licenses.

F) Agency contact person for information:

M. Kyle Rominger
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

- G) Related rulemaking and other pertinent information: None presently known

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- a) Parts (Headings and Code Citations): Organization, Public Information, and Types of Proceedings (2 Ill. Adm. Code 2175)

- 1) Rulemaking: No docket number presently assigned

A) Description: 2 Ill. Adm. Code 2175 contains the Board's public information rules and organizational information, as required under Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4]. Among the information contained in Part 2175 is a listing of the Board's records, including their addresses and telephone numbers. In recent months, the Board closed its office in Jerseyville and opened an office in Jacksonville. The Board must amend Part 2175 to reflect the changes of address and telephone number. In addition, further review of Part 2175 could indicate more amendments to this Part.

B) Statutory authority: Implementing and authorized by Section 1-15 of the Administrative Procedure Act [5 ILCS 100/5-15] and Section 4 of the Freedom of Information Act [5 ILCS 140/4].

C) Scheduled meeting/hearing dates: Public hearings are not required to amend 2 Ill. Adm. Code 2175. However, the Board would conduct such hearings if the level of public interest indicates that public hearings are desirable.

D) Date agency anticipates First Notice: The Board anticipates First Notice publication of the proposed rules in the *Illinois Register* in the Fall of 2000.

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that appears before the Board in any type of proceeding or which seeks to contact the Board for any reason, including to inspect and copy Board records. Proceedings before the Board include enforcement actions, rulemaking proceedings, variance proceedings, adjusted standard proceedings, site-specific rulemaking proceedings, permit appeals, pollution control facility siting appeals, and any other actions provided by law. At present, it appears that any amendments would have an insignificant impact on affected entities.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently-anticipated proceedings would affect the text of Part 2175.

b) Part(s) (Heading and Code Citation): Permits and General Provisions (35 Ill. Adm. Code 201)

- 1) Rulemaking: No docket number presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to the transfer of permits to new owners and the permitting of portable emission units. This rulemaking would address the procedures for the transfer of Federally Enforceable State Operating Permits (FESOPs) to new owners following a change of ownership of a permitted source. Additionally, the proposed rule would address the permitting of emission units that are portable and may emit pollutants at multiple sites.

B) Statutory authority: Implementing and authorized by Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 & 27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Fall of 2000. The IEPA may file two separate rulemaking proposals, one for portable emission units and another for changes of unit ownership. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall of

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2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small business, small municipalities, or not-for-profit corporation: This rule may affect any small business, small municipality, or not-for-profit corporation that either purchases a FESOP-permitted emissions source or which owns or operates a portable emission unit.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Exin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: One other prospective rulemaking (see item (c) below) and other, as yet unknown, unrelated Board proceedings could impact Part 201. For information regarding the IEPA's development of its proposal, please contact the following IEPA attorney:

Deborah J. Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

c) Part(s) (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Nitrogen Oxides Emissions (35 Ill. Adm. Code 217)

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- 1) Rulemaking: No docket number presently assigned

- A) Description: The Illinois Environmental Protection Agency (IEPA) has been developing a rulemaking proposal for filing before the Board that would reduce nitrogen oxides (NOx) emissions statewide to address tropospheric ozone levels. This proposal may include the following features: the control of emissions from large NOx stationary sources--specifically, boilers and turbines serving electric generator units having greater than 25 megawatts capacity, boilers and turbines with head input greater than 250 mmBtu/hr, large cement kilns with ozone-season NOx emissions greater than 1 ton per day, and large internal-combustion engines. The proposal might also include emission rate limits for ozone-season emissions greater than 1 ton per day or might include trading-based control measures. The proposal might be filed in sections. The IEPA has further suggested that it might also propose amendments to 35 Ill. Adm. Code 201 relating to continuous emissions monitoring and 35 Ill. Adm. Code 211 relating to definitions.

- B) Statutory authority: Implementing and authorized by Sections 9.9, 27, and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 27, 26, 28.5].

- C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in July 2000. No hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule set forth in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5] for those rulemakings required under the federal Clean Air Act.

- D) Date agency anticipates First Notice: IEPA submittal of a proposal to the Board will commence this proceeding, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*. No submittal date has been established.

- E) Effect on any small businesses, small municipalities, or not-for-profit corporations: This rule would affect any small business, municipality, or not-for-profit corporation that owns or operates a large stationary source that emits NOx.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

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100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: One other prospective rulemaking (see item (b) above) and other, as yet unknown, unrelated Board proceedings could impact Part 201. Reserved docket R01-6 (see item (d) below), another unfiled IEPA proposal (see item (e) below), and other unknown proceedings could affect the text of Part 211. No other presently-known proceedings would affect the text of Part 217. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact the following IEPA attorney:

Laurel Kroatck
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- d) Part(s) (Headings and Code Citations): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R01-6

- A) Descriptions: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified at 35 Ill. Adm. Code 211.7150, to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57

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Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Board has reserved docket number R01-6 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1, 2000, through June 30, 2000. At this time, the Board is not aware of any federal amendments to the federal definition of VOM. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2000. The Board will then propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R01-6, as necessary and appropriate. Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on January 1, 2000, the due date for Board adoption would be January 1, 2001.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act (415 ILCS 5/7.2, 9.1(e) & 27).
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing, as required by Section 118 of the Federal Clean Air Act (42 USC A7 7418) for amendment of the Illinois ozone SIP.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois definition of VOM that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 1, 2001, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by late-September 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board would promptly dismiss this reserved docket.

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E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-6, as follows:

Dorothy Dunn, Clerk

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R01-6, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambr@pcb.state.il.us

G) Related rulemakings and other pertinent information: Other prospective proceedings (see items (c) above and (e) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211. Section 9.1(e) of the Environmental Protection Act (415 ILCS 5/9.1(e)) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

e) Part(s) (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

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1) Rulemaking: No docket presently reserved

A) Description: The IEPA is currently developing amendments for proposal to the Board to accomplish several goals in a single cleanup rulemaking. This includes the following amendments to the Illinois rules for the 15% Rate of Progress (ROP) Plan rulemakings required pursuant to Section 182(b)(1) of the Clean Air Act (CAA): (1) the rulemaking may amend existing air pollution control rules for lithographic printing operations to clean up the existing language to make Parts 218 and 219 consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings; (2) the rulemaking may include amendments to existing rules for volatile organic liquid storage tanks; (3) the rulemaking may include a rule to amend existing rules for perchlorethylene dry cleaners, since perchlorethylene was delisted as a volatile organic material by the United States Environmental Protection Agency (USEPA); (4) the rulemaking may amend existing rules for capture efficiency testing in order to make State rules consistent with USEPA's final rule on the revised capture efficiency test methods; (5) the rulemaking may correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings, amending rules for incorporations by reference, batch operations, and afterburner operation, air oxidation reactors and vapor collection and control systems; and (6) the rulemaking may also amend Part 211 to conform any possible conflicting provisions with the changes made to 35 Ill. Adm. Code 218 and 219.

B) Statutory authority: Implementing and authorized by Sections 9.8, 27, 28.2, and 28.5 of the Environmental Protection Act (415 ILCS 5/9.8, 27, 28.2 & 28.5).

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates submitting its rulemaking proposal to the Board in the Fall of 2000. No hearings are scheduled at this time. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 of the Environmental Protection Act [415 ILCS 5/27 or 28.5] for rulemakings that are required under the federal CAA.

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Fall of 2000. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

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- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that emits volatile organic material. However, the IEPA anticipates that the amendments will have no new substantive impact on any sources, since the amendments will be a clean-up of existing requirements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipc.state.il.us

- G) Related rulemakings and other pertinent information: Another prospective IEPA proposal (see item (c) above) and the reserved identical-in-substance definition of VOM update docket, R01-6 (see item (d) above), and other as yet unknown proceedings could affect the text of Part 211. No other presently-known prospective proceeding would potentially impact the general provisions of Part 218 or Part 219. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Deborah J. Williams
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- F) Part(s). (Heading and Code Citation): Nonmethane Organic Emissions (35 Ill. Adm. Code 220)

- 1) Rulemaking: No docket presently reserved

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- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to municipal solid waste landfills (MSWLFs). The prospective amendments would amend the permit regulations so that modifications at a MSWLF due to Resource Conservation and Recovery Act (RCRA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirements would not be considered construction or modification at the facility. The proposal would also reflect that while the IEPA can approve testing requirements different from those prescribed in the test method, the United States Environmental Protection IEPA has reserved the authority to approve alternative test methods. In addition, the proposal would correct several typographical errors in the existing text of the rules.
- B) Statutory authority: Implementing and authorized by Sections 4, 9.1, 27, and 28.5 of the Environmental Protection Act [415 ILCS 5/4, 9.1, 27 & 28.5].
- C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Summer or Fall of 2000. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].
- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Summer or Fall of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a MSWLF.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

- Address questions concerning this regulatory agenda as follows:

POLLUTION CONTROL BOARD

JULY 2000 REGULATORY AGENDA

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 220. For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Alec Messina
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- 9) Part(s) (Heading and Code Citation): Toxic Air Contaminants (35 Ill. Adm. Code 232)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board that would incorporate requirements for lead-based paint removal into the Illinois air pollution control regulations.

- B) Statutory authority: Implementing and authorized by Sections 9-5, 10 and 27 of the Environmental Protection Act (415 ILCS 5/9-5, 10 & 27).

- C) Scheduled meetings/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Summer or Fall of 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Summer

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or Fall of 2000. After the filing of a proposal by the IEPA, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that engages in the removal of lead-based paint.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would potentially impact the general provisions of Part 232. For information regarding the IEPA's development of this proposal, please contact the following IEPA representative:

Deborah J. Williams
Illinois Environmental Protection Agency
Environmental Policy
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- h) Part(s) (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) and its vehicle emissions test contractor began enhanced

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vehicle inspection and maintenance (Enhanced I/M) testing under the Enhanced I/M test program in early 1999, as required by the Federal Clean Air Act [42 USC 7401 et seq.] and the Vehicle Emissions Inspection law of 1995 [625 ILCS 5/13B-1 et seq.]. The Board adopted amendments to Part 240 that provide the necessary standards for Enhanced I/M testing on December 1, 1994, in dockets R94-19 and R94-20. However, the IEPA has stated that it believes that certain clarifications of the Part 240 rules may be needed to ensure consistency with recent federal guidance and IEPA procedural rules contained at 35 Ill. Adm. Code 276. For these reasons, the IEPA has stated that it may submit a proposal for regulatory amendments before the Board. A specific element of this rulemaking would be amendments to "fast-pass" exhaust emissions standards contained in Part 240.

B) Statutory authority: Implementing Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The IEPA has stated that it anticipates filing a rulemaking proposal with the Board in the Summer or Fall of 2000. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in the Summer or Fall of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conley@pcb.state.il.us

For information regarding the IEPA's development of this proposal, please contact the following IEPA attorney:

Christopher Demeroukas
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

G) Related rulemakings and other pertinent information: One other prospective proceeding (see item (i) below) could potentially impact the general provisions of Part 211.

i) Part(s) (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: R01-08

A) Description: P.A. 91-254 requires all two-year old and older diesel trucks over 16,000 pounds to undergo air pollution diesel emissions tests during either of their currently required semi-annual safety test inspections. Specifically, this law applies only to those intrastate trucks registered within the ozone nonattainment areas of the State. The law also preempts home rule and exempts farm vehicles from the requirements of the law. Additionally, Public Act 91-965 authorizes the Department of State Police (DSP) to perform nonscheduled "spot testing" of vehicles with a gross weight or a gross weight rating of or more than 16,000 pounds (diesel trucks) for cause (i.e., excessive black smoke being emitted by the truck) anywhere within the ozone nonattainment areas of the State. This spot-testing would apply to both interstate and intrastate vehicles.

The Pollution Control Board is required to amend and update its current diesel emission standards in accordance with the Society of Automotive Engineers Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel

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Powered Vehicles" and the cutpoint standards set forth in the USEPA guidance document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure." Additionally, Public Act 91-254 provides that the level of peak smoke opacity shall not exceed 70 percent for such diesel trucks that are model years 1973 and older through December 31, 2002. Beginning January 1, 2003, the law provides that the level of peak smoke opacity for such trucks that are model years 1973 and older shall not exceed 55 percent.

- B) Statutory authority: Implementing Public Act 91-254 (enacted July 23, 1999 and effective July 1, 2000) as amended by Public Act 91-865 (enacted on June 22, 2000 and effective July 1, 2000). Specifically, these two laws require the Board to implement the provisions of Sections 13-100.1, 13-102.1, 13-109.1, 13-109.2, 13-109.3, 13-114, 13-116.1, 13-117, 13-103, 13-106, and 13-114 of the Illinois Vehicle Code [625 ILCS 5/13-100.1, 13-102.1, 13-109.1, 13-109.2, 13-109.3, 13-114, 13-116.1, 13-117, 13-103, 13-106, and 13-114] as authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27].

- C) Scheduled meeting/hearing dates: The Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: The Board is required by statute to complete these rules within eight months of the July 1, 2000 effective date of the statute (no later than February 28, 2001). Therefore, the Board anticipates First Notice publication in the *Illinois Register* in the Fall 2000.

- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to diesel emissions testing regulations.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

POLLUTION CONTROL BOARD

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Stacy Meyers, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-7011
meyers@ipcb.state.il.us

- G) Related rulemakings and other pertinent information: One other prospective proceeding (see item (h) above) could potentially impact the general provisions of Part 211.

- J) Part(s) (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is reviewing the water quality standards and criteria pertaining to various wastewater parameters. The IEPA has stated that it may prepare a petition to update the standards and criteria for filling before the Board if necessary. The water quality parameters that the proposal would affect might include, but might not be limited to, the following: selenium, cadmium, zinc, nickel, barium, benzene, toluene, ethylbenzene, xylene, and weak acid dissociable cyanide.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in August 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act. [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in August 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that

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discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (k) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 302. For information regarding the Illinois EPA's development of this proposal, please contact:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1654

- k) Part(s) (Heading and Code Citation): Water Quality Standards (35 Ill. Adm. Code 302)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. These rules would establish the criteria that the IEPA would use to ensure compliance by individual dischargers with the stream water quality nondegradation requirement of 35 Ill. Adm. Code 302.105.

- B) Statutory authority: Implementing and authorized by Sections 11(b), 13, and 27 of the Illinois Environmental Protection Act

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[415 ILCS 5/11(b), 13 & 27].

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in July 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in July 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (j) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 302. The IEPA anticipates filing a related rulemaking with the Secretary of State Index Department. This rulemaking will detail the procedures the IEPA will follow to administer the Board's criteria to ensure compliance by individual dischargers with the stream water quality nondegradation requirement of 35 Ill. Adm. Code 302.105. For information regarding the IEPA's development of this proposal,

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please contact the following person at IEPA:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1654

1) Part(s) (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R01-5

- A) Description: Section 13.3 of the Environmental Protection Act ([415 ILCS 5/13.3]) mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved docket number R01-5 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2000, through June 30, 2000. At this time, the Board is aware that USEPA undertook four actions that affected the text of 40 CFR 400 through 499 and its implementation. These actions, together with a brief description of each, are as follows:

- 65 Fed. Reg. 3008 USEPA adopted wastewater effluent
(January 19, 2000) limitation guidelines, pretreatment standards, and new source performance standards for the landfill point source category. One segment of this rulemaking was the amendment of Methods 625 and 1625 in 40 CFR 136.3, Appendix A.
- 65 Fed. Reg. 4360 USEPA adopted wastewater effluent
(January 27, 2000) limitation guidelines, pretreatment standards, and new source performance standards for the commercial hazardous waste combustor subcategory of the waste combustor point source category.
- 65 Fed. Reg. 14344 USEPA corrected its January 19, 2000
(March 16, 2000) effluent guidelines, pretreatment standards, and new source performance

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65 Fed. Reg. 15091 standards for the landfill source category.
(March 21, 2000) USEPA removed its April 15, 1998 (63 Fed. Reg. 18504) effluent guidelines, pretreatment standards, and new source performance standards for the builders paper and board mills source category. The rules were duplicative of rules applicable to the secondary fiber, non-deink subcategory of the pulp, paper, and paperboard point source category.

65 Fed. Reg. 33423 USEPA corrected its January 27, 2000
(May 23, 2000) effluent guidelines, pretreatment standards, and new source performance standards for the commercial hazardous waste subcategory of the waste combustor point source category.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois wastewater pretreatment regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 400 through 499. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2000. The Board will propose corresponding amendments to the wastewater pretreatment regulations using the identical-in-substance procedure.

Section 9.1(e) of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 19, 2000, the due date for Board adoption of all amendments in the period would be January 19, 2001.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13.1, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13.1, 13.3 & 27].

- C) Scheduled meeting/hearing date: None are scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to

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verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois wastewater treatment rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 19, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-November 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that pretreatment engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-5, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R01-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambr@pcb.state.il.us

G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect provisions of Parts 307 and 310. Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

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m) Part(s) (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

1) Rulemaking: No docket number presently assigned.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the standards and procedures for the IEPA to use in setting effluent limits by permit that are necessary to ensure compliance with water quality standards for individual dischargers that are derived under 35 Ill. Adm. Code 304.105.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in November 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act. [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in November 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402

POLLUTION CONTROL BOARD

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Springfield, Illinois 62704
217-782-2471
conley@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (n) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309. For information regarding the IEPA's development of this proposal, please contact the following person:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
217-782-1654

- n) Part(s) (Heading and Code Citation): Permits (35 Ill. Adm. Code 309)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to maintenance of stream water quality. The rules would amend the criteria to be used by the IEPA in determining mixing zones necessary to ensure compliance with water quality standards for individual dischargers under 35 Ill. Adm. Code 302.102.

- B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act (415 ILCS 5/11, 13 & 27).

- C) Scheduled meeting/hearing date: The IEPA presently anticipates that it will file a rulemaking proposal in November 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in November 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois*

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Register.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that discharges wastewater into the waters of this State.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conley@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: Another prospective proceeding (see item (m) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 309. For information regarding the IEPA's development of this proposal, please contact the following person:

Toby Frevert
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Ave. East
Springfield, IL 62794-9276
217-782-1654

- o) Part(s) (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction

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requirements, and vector control measures applicable to sludge that is applied to land.

B) **Statutory authority:** Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act (415 ILCS 5/11 & 27).

C) **Schedule meeting/hearing date:** The IEPA presently anticipates that it will file a rulemaking proposal the Summer of 2000. No meetings or hearing are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28).

D) **Date agency anticipates First Notice:** An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal the Summer of 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) **Agency contact person for information:** Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

G) **Related rulemakings and other pertinent information:** No other presently-known Board proceedings would potentially impact the general provisions of Part 313. The IEPA anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter. For information regarding the IEPA's

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development of this proposal, please contact the following IEPA attorney:

Lisa Moreno
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Interested persons may also contact the following IEPA representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-0810

P) **Part(s) (Headings and Code Citations):**

General Provisions (35 Ill. Adm. Code 501)
Permits (35 Ill. Adm. Code 502)
Other Agricultural and Silvicultural Activities (35 Ill. Adm. Code 503)
Implementation Program (35 Ill. Adm. Code 504)

1) **Rulemaking:** Docket number R98-11

A) **Description:** The Board opened this rulemaking docket R98-11 on September 4, 1997, to identify and reconcile any inconsistencies between the LWFA-related regulations of Part 506 and the pre-existing agricultural-related pollution regulations of Parts 501 through 504. Since the opening of docket R98-11, however, Public Acts 90-565 and 91-110, effective July 13, 1999, again amended the LWFA. The Board opened docket R98-26 to amend the LWFA-related rules to conform with the subsequent statutory amendments. The Board entered an order on January 22, 1998 staying the R98-11 rulemaking proceeding until the conforming amendments of docket R98-26 are completed. It is unlikely that the Board will proceed with this docket since P.A. 91-110 delegated a majority of the regulations to the Department of Agriculture. However, we will not officially close this docket until the Department adopts its rules.

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- B) Statutory authority: Implementing and authorized by Sections 9, 13, 22, and 27 of the Environmental Protection Act [415 ILCS 5/9, 13, 22 & 27].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: The Board anticipates that the Department of Agriculture will forward its adopted rules to the Board within the next two months after which the Board will likely close this docket and open a new docket to address the repeal of inconsistent Board rules.
- E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or an associated waste handling structure.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-11, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-11, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509
csudman@pcb.state.il.us

- G) Related rulemakings and other pertinent information: Rulemaking R98-26 (see item (g) below) deals with a related subject matter.

g) Part(s) (Heading and Code Citation): Livestock Waste Regulations (35 Ill. Adm. Code 506)

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- 1) Rulemaking: Docket number R98-26

- A) Description: Since the opening of docket R98-26, P.A. 91-110, effective July 13, 1999, further amended the LWFA, it is unlikely that the Board will proceed with this docket since P.A. 91-110 delegated a majority of the regulations to the Department of Agriculture. However, the Board will not officially close this docket until the Department adopts its rules.
- B) Statutory authority: Implementing and authorized by Section 55 of the Livestock Management Facilities Act [510 ILCS 77/55] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. However, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date agency anticipates First Notice: The Board presently anticipates that the Department of Agriculture will forward its adopted rules within the next two months after which the Board will likely close this docket and open a new docket to address the repeal of inconsistent Board rules.
- E) Effect on small business, small municipalities, or not-for-profit corporations: These amendments may affect any small business, small municipality, or not-for-profit corporation that owns or operates a livestock management facility or associated waste handling structures.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R98-26, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R98-26, as follows:

Carol Sudman, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
217-524-8509

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csudman@pcb.state.il.us

- G) Related rulemakings and other pertinent information: Rulemaking R98-11 (see item (p) above) deals with a related subject matter.

r) Part(s) (Headings and Code Citations): Permits (35 Ill. Adm. Code 602)

- 1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board to establish criteria for the design, operation, and maintenance of public water supplies, and rules to facilitate the permitting process.

B) Statutory Authority: Implementing and authorized by Section 17 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/17 & 5/27].

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2000. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will generally benefit small businesses, small municipalities and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

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Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 602. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Lou Allyn Byus
Assistant Manager, Field Operations Services Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-8653

s) Part(s) (Headings and Code Citations): Laboratory Accreditation Rules (35 Ill. Adm. Code 611)

- 1) Rulemaking: No docket presently reserved

A) Description: The IEPA proposal will seek to amend the public water supplies rules found in 35 Ill. Adm. Code 611 to cross reference the IEPA's own laboratory accreditation rules found at 35 Ill. Adm. Code 186. These prospective amendments to Sections 611.359, 611.611, 611.646, and 611.648 would cross-reference the Illinois Environmental Protection IEPA's laboratory accreditation rules at 35 Ill. Adm. Code 186. Currently, the existing text of Part 611 references 35 Ill. Adm. Code 183, which are joint rules of the IEPA, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. A repeal of Part 183 has been completed.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 & 28]

C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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- D) Date Agency Anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2000. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance with the federally-derived National Primary Drinking Water Standards of 35 Ill. Adm. Code 611. However, it is anticipated that the proceeding will not likely have a quantifiable effect on these entities because the program for national laboratory certification is voluntary. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipc.state.il.us

- G) Other pertinent information concerning these amendments: Another prospective proceeding in docket R01-7 (see item (t) below) and other, as yet unknown proceedings could affect the text of Part 611. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Joey Logan-Wilkey

POLLUTION CONTROL BOARD

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Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-5544

- t) Part(s) (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket number R01-7

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois SDWA regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R01-7 to accommodate any amendments to the SDWA primary drinking water regulations, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period January 1, 2000, through June 30, 2000. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR 141 through 143. This action, together with a brief description, is as follows:

65 Fed. Reg. 1950
(January 12, 2000)
USEPA made a number of minor amendments to the lead and copper rule in order to facilitate implementation of the rule.

65 Fed. Reg. 11372
(March 2, 2000)
USEPA amended its September 17, 1999 (64 Fed. Reg. 50556) unregulated contaminants monitoring rule. The September 17, 1999 unregulated contaminants monitoring rule is involved in the pending R00-10 SDWA update docket. The Board will likely include these corrections with the underlying amendments in docket R00-10, so that no action will be required in update docket R01-7.

65 Fed. Reg. 20304
(April 14, 2000)
In a direct final rule, USEPA adopted amendments to the December 16, 1998 interim enhanced surface water treatment rule (64 Fed. Reg. 69478) and the Stage 1 disinfectants and disinfectant byproducts rule (64 Fed. Reg. 69390).

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65 Fed. Reg. 25982 USEPA adopted amendments to the public notification rules, which prescribe the form, manner, content, and frequency of public notice under the drinking water rules. The amendments implement the community-right-to-know provisions of the SDWA Amendments of 1996.

65 Fed. Reg. 34404 USEPA removed the maximum contaminant level goal (MCLG) of zero for chloroform in drinking water in response to the vacatur in Chlorine Chemistry Council and Chemical Manufacturers Association v. EPA, no 98-1627 (March 31, 2000). The MCLGs are outside the Board's SDWA identical-in-substance mandate, so no Board actions will be needed to incorporate these amendments into the Illinois rules.

65 Fed. Reg. 37052 USEPA withdrew its April 14, 2000 direct final rule relating to the interim enhanced surface water treatment rule and the Stage 1 disinfectants and disinfectant byproducts rule in response to adverse public comments.

The Board has not yet determined whether this listed federal action is the only federal action that affects the text of 40 CFR 141 through 143. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2000. The Board will then propose corresponding amendments to the Illinois SDWA drinking water regulations using the identical-in-substance procedure or dismiss docket R01-7, as necessary and appropriate.

Section 17.5 mandates that the Board complete its amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which the amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 12, 2000, the due date for Board adoption of all amendments in the period would be January 12, 2001.

B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: None are scheduled at this

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time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois SDWA drinking water rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 12, 2000, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-October 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-7, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R01-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccambr@pcb.state.il.us

G) Related rulemakings and other pertinent information: Another prospective proceeding (see item (s) above) and other, as yet

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unknown proceedings could affect the text of Part 611. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- u) Part(s) (Heading and Code Citation): Regulated Recharge Areas (35 Ill. Adm. Code 617)

1) Rulemaking: R00-17

A) Description: On February 14, 2000, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal with the Board that amends existing regulations to establish a regulated recharge area for the Pleasant Valley Public Water District. This new Subpart prescribes the requirements and standards for the protection of the groundwater source used by the Pleasant Valley Public Water District. The standards apply to certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area. The amendments delineate the regulated recharge area boundaries.

- B) Statutory authority: Implementing and authorized by Sections 17.4 and Section 27 of the Environmental Protection Act (415 ILCS 5/17.4 & 27).

C) Scheduled meeting/hearing date: The Board conducted a public hearing on the proposal on May 9, 2000, pursuant to Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/27 & 28). The IEPA filed a modified proposal on June 1, 2000. In preparing the proposal, the IEPA held a public hearing pursuant to 35 Ill. Adm. Code 164 on the proposal for a regulated recharge area on January 26, 1995. The IEPA further received public comments on the proposal. On June 7, 1996, the IEPA held a workshop on the proposal. The IEPA has not set dates for further meetings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect a small

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business, a small municipality, or a not-for-profit corporation that owns or operates a potential source of groundwater contamination in the area of the regulated recharge area. The amendments could impose contingency planning requirements on an affected entity, and they may impose constraints on expansion of activities that are hazardous to the groundwater protected within the prospective regulated recharge area.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Catherine F. Glenn, Hearing Officer
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6923
glenn@ipcb.state.il.us

- G) Related rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 617. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217-782-8653

- v) Part(s) (Heading and Code Citation): Maximum Setback Zones (35 Ill. Adm. Code 618)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) is preparing a rulemaking proposal for filing before the Board

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that would establish general provisions for maximum setback zone regulations. This new Part would, in subpart B, prescribe maximum setback zone prohibitions and the applicable technology control regulations that apply under existing regulations for new and existing potential primary sources of groundwater contamination, new potential routes of groundwater contamination and new and existing activities regulated under 35 Ill. Adm. Code 615, 35 Ill. Adm. Code 616 and 8 Ill. Adm. Code 257 that are located wholly or partially within the maximum setback zone boundaries of the Illinois American Water Company, Peoria, wells as delineated within the Prospective regulation.

- B) Statutory Authority: Implementing and authorized by Sections 14.3 and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 & 5/27].

- C) Scheduled meeting/hearing dates: In preparing the proposal, the IEPA has met extensively with members of the Peoria City Council, the local business community, and representatives of Illinois American Water Company. The Council recognized the need for a maximum setback zone regulation. No new meetings are scheduled at this time. When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2000. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/ 27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

- E) Effect on Small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities or not-for-profit corporations that engage in certain activities in the affected area may be affected by having constraints imposed upon new activities within the maximum zone.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other known rulemaking would impact the provisions of part 618. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-8653

- w) Part(s) (Heading and Code Citation): Groundwater Quality (35 Ill. Adm. Code 620)

- 1) Rulemaking: No docket presently reserved

- A) Description: The Illinois Environmental Protection Agency (IEPA) is considering filing a rulemaking proposal before the Board. The proposal would amend Section 620.505 of the groundwater quality regulations (35 Ill. Adm. Code 620.505) in response to an interpretation of that Section by the appellate court in *People v. Stoneledge* (94-CN-46, May 24, 1997). Compliance monitoring points are broken into different categories in Section 620.505. Samples taken from potable water wells other than community water supply wells are acceptable under certain circumstances. The amendments would seek to expand those circumstances to instances in which the IEPA has sufficient hydrogeologic, geologic, construction, and other information to determine the reliability of data generated by analyses of samples from those wells. The amendment would provide increased protection of the groundwater by allowing sampling of greater sampling points.

- B) Statutory Authority: Implementing and authorized by Section 8 of

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the Illinois Groundwater Protection Act [415 ILCS 55/8] and Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/27].

- C) Scheduled meeting/hearing dates: When the proposal is submitted before the Board, the Board will conduct public hearings on the proposal pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of the rulemaking proposal is anticipated by December 2000. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon receipt of the proposal and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for First Notice.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities or not-for-profit corporations would be affected by the amendments to the extent they engage in any activity that requires demonstration of compliance with the groundwater quality standards.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleyefpcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other known proceeding would impact the provisions of Part 620. Interested persons may contact the IEPA about its prospective rulemaking proposal as follows:

Rick Cobb
Section Manager, Groundwater Section

POLLUTION CONTROL BOARD

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Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217-782-8653

- x) Part(s) (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)

Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)

Land Disposal Restrictions (35 Ill. Adm. Code 728)

Standards for Universal Waste Management (35 Ill. Adm. Code 733)

Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

- 1) Rulemaking: Docket number R01-3

- A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations. The Board has reserved docket number R01-3 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2000, through June 30, 2000. At this time, the Board is aware of the following federal actions that occurred in this time-frame:

65 Fed. Reg. 3008 US EPA adopted wastewater effluent limitation guidelines, pretreatment standards, and new source performance standards for the landfill point source

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category. One segment of this rulemaking was the amendment of Methods 625 and 1625 in 40 CFR 136.3, Appendix A. 40 CFR 136 is incorporated by reference into the RCRA Subtitle C rules.

USEPA extended the accumulation time for wastewater treatment sludge from the metal finishing industry for waste that is accumulated for high temperature metals recovery. The Board included this set of amendments in the final adoption of the RCRA Subtitle C update docket R00-13 on May 18, 2000.

USEPA corrected its January 19, 2000 effluent guidelines, pretreatment standards, and new source performance standards for the landfill source category. USEPA withdrew the hazardous waste listings and land disposal restrictions for organobromine production wastes in response to a judicial vacature in *Great Lakes Chemical Corp. v. EPA*, no. 98-1312 (D.C. Cir. Apr. 9, 1999). These amendments affect both UIC and RCRA Subtitle C rules. The Board added the RCRA Subtitle C aspects of this action to RCRA update docket R00-13, adopted on May 18, 2000. This obviates further action.

USEPA adopted its NPDES regulations to eliminate rules that are obsolete, ineffective, or unduly burdensome. The amendments streamline various permitting procedures, including those for UIC and RCRA Subtitle C permits.

USEPA made a formal regulatory determination not to include wastes from fossil fuel combustion as listed hazardous waste.

The Board has not yet verified which if any of these listed federal actions will actually require amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The Board has not yet determined whether this listing of federal actions is an exhaustive listing of all federal actions that affect the text of 40 CFR 260 through 270, 273, and 279. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-August 2000. The Board will propose

65 Fed. Reg. 12378
(March 8, 2000)

65 Fed. Reg. 14344
(March 16, 2000)

65 Fed. Reg. 14472
(March 17, 2000)

65 Fed. Reg. 30886
(May 12, 2000)

65 Fed. Reg. 32214
(May 22, 2000)

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corresponding amendments to the RCRA Subtitle C hazardous waste regulations using the identical-in-substance procedure. Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which the United States Environmental Protection Agency (USEPA) adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is January 19, 2000, the due date for Board adoption of all amendments in the period would be January 19, 2001.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois RCRA Subtitle C hazardous waste rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be January 19, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by early-October 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-3, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street,
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda, noting docket number R01-3, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccamb@pcb.state.il.us

- G) Related rulemakings and other pertinent information: The reserved UIC update docket R01-01 (see item (y) below), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 703, 721, 722, 723, 724, 725, 726, 728, 733, and 739. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

Y) Part(s) (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R01-1

- A) Description: Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c)) mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations. The Board has reserved docket number R01-1 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period January 1, 2000, through June 30, 2000. At this time, the Board is aware that USEPA undertook one action that affected the text of 40 CFR

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144 through 148. This action, together with a brief description, is as follows:

65 Fed. Reg. 5024 USEPA corrected its December 7, 1999 (65 (February 2, 2000) Fed. Reg. 68546) Class V well UIC amendments. The December 7, 1999 Class V well amendments are involved in pending docket R00-11. The Board will likely include this correction in the presently-pending R00-11 UIC update docket with the original amendments, so that no further action will likely be required in update docket R00-1.

65 Fed. Reg. 14472 USEPA withdrew the hazardous waste listings (March 17, 2000) and land disposal restrictions for organobromine production wastes in response to a judicial vacature in *Great Lakes Chemical Corp. v. EPA*, no. 98-1312 (D.C. Cir. Apr. 9, 1999). These amendments affect both UIC and RCRA Subtitle C rules. The Board will likely add the UIC aspects to presently-pending UIC update docket R00-11, so that no further action will likely be required in update docket R00-1. USEPA adopted its NPDES regulations to eliminate rules that are obsolete, ineffective, or unduly burdensome. The amendments streamline various permitting procedures, including those for UIC and RCRA Subtitle C permits.

65 Fed. Reg. 30886 USEPA adopted its NPDES regulations to (May 12, 2000)

The Board has not determined the nature of any amendments that might be required by the above federal action. Only Class I and Class III injection wells are expressly regulated by the Board's current UIC rules; Class II and Class IV wells are expressly not regulated. The status of Class V wells is unclear under the rules. The Board must determine what amendments, if any, will be necessary in response to the federal amendments. Further, the Board has not yet determined whether these listed federal actions are the only federal actions that affect the text of 40 CFR 144 through 148. The Board will verify the existence of any additional federal actions and the Board action required in response to each set of federal amendments in coming weeks, by about mid-February 2000. The Board will then propose corresponding amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R01-1, as necessary and appropriate.

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Section 13(c) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that the earliest USEPA action during the update period that will require Board action is May 12, 2000, the due date for Board adoption of all amendments in the period would be May 12, 2001.

- B) Statutory Authority: Implementing and authorized by Sections 7-2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7-2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. When the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.
- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois UIC rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be May 12, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-February 2001. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.
- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-1, as follows:
- Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
- Address questions concerning this regulatory agenda, noting docket number R01-1, as follows:

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccam@mipcb.state.il.us

- G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket R01-3 (see item (x) above), and other, as yet unknown, unrelated Board proceedings may affect the text of Parts 702, 705, and 720. No other presently-known proceeding would affect Parts 730 and 738. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.
- Z) Part(s) (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)
- 1) Rulemaking: Docket number R01-4
- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.
- The Board has reserved docket number R01-4 to accommodate any amendments to the 40 CFR 281 through 283 that USEPA may make in the period January 1, 2000, through June 30, 2000. At this time, the Board is not aware of any federal amendments. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2000. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R01-4, as necessary and appropriate.

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Section 22.4(d) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. Assuming for the purposes of illustration that USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2000, the due date for Board adoption would be July 1, 2001.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois UST regulations that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2000, for the purposes of illustration, the Board would vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by late-September 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendments to the Illinois definition are needed, the Board would promptly dismiss this reserved docket.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USRs.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-4, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R01-4, as follows:

POLLUTION CONTROL BOARD

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
mccamb@pcb.state.il.us

C) Related rulemakings and other pertinent information: No other presently-known proceeding would impact the text of Part 731. Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

aa) Part(s) (Heading and Code Citation): Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking: No docket presently reserved

A) Description: The Illinois Environmental Protection Agency (IEPA) has stated that it is preparing a rulemaking proposal for filing before the Board that would amend the leaking underground storage tank (LUST) regulations. Implementation of the LUST rules by the IEPA since their inception has demonstrated the need to amend, correct, and clarify various aspects of the rules. The primary purpose of the amendments would be to correct mistakes and omissions, clarify ambiguities, and ensure consistency across the regulations for the Leaking Underground Storage Tank (LUST) Program (35 Ill. Adm. Code 732), the Site Remediation Program (35 Ill. Adm. Code 740), and the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The Illinois EPA also may propose related amendments to the Site Remediation Program and TACO regulations (items (bb) and (cc) below).

B) Statutory authority: Implementing and authorized by Sections 27 and 57.14 of the Environmental Protection Act [415 ILCS 5/27 & 57.14].

C) Scheduled meeting/hearing dates: The IEPA presently anticipates that it will file a rulemaking proposal in Fall 2000. No meetings or hearings are scheduled at this time. Once the

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proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An IEPA submittal of a proposal to the Board would commence this proceeding, and the IEPA has stated that it expects to file a proposal in Fall 2000. After the filing of a proposal by the IEPA, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a petroleum underground storage tank system for which a release has been confirmed that is required to be reported to the Illinois Emergency Management Agency on or after September 23, 1994, in accordance with regulations adopted by the Office of the State Fire Marshall.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gun, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
conleye@pcb.state.il.us

- G) Related rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Part 732. The IEPA has stated that it may propose related amendments to the TACO rules (35 Ill. Adm. Code 740) and the Site Remediation Program rules (35 Ill. Adm. Code 740) (see items (bb) and (cc) below). For information regarding the development of these amendments please contact:

Judith S. Dyer
Illinois Environmental Protection Agency
1021 North Grand Avenue East

POLLUTION CONTROL BOARD

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P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

- bb) Part(s) (Heading and Code Citation): Site Remediation Program (35 Ill. Adm. Code 740)

- 1) Rulemaking: No docket presently reserved

- A) Description: Since Part 740 was adopted on June 5, 1997, the Illinois Environmental Protection Agency's (IEPA) implementation of the rules has given rise to the need for some additions, corrections, and clarifications to the existing rules. The primary purpose of the amendments will be to correct mistakes and omissions, clarify ambiguities, and insure consistency across the regulations for the Site Remediation Program, Leaking Underground Storage Tank ("LUST") Program (35 Ill. Adm. Code 732), and Tired Approach to Corrective Action Objectives ("TACO") (35 Ill. Adm. Code 742).

- B) Statutory Authority: Sections 4(i), 27 and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]

- C) Scheduled Meeting/Hearing Dates: No meetings or hearing dates are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

- D) Date Agency Anticipates First Notice: Submission to the Board by the IEPA may be as soon as July 2000, after which the Board will order publication of the First Notice.

- E) Effect on Small Business, Small Municipalities or Not-for-Profit Corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation under the Site Remediation Program. In most cases, participation in the Site Remediation Program is voluntary, the exception being participation under Board or court orders arising out of enforcement actions. For those who do choose to participate, proposed amendments are not expected to make substantial changes to the existing program.

One group of small businesses that will be affected is laboratories performing analyses of soil and water samples. The amendments will propose the phase-in of a requirement that laboratories performing analyses for sites in the Site

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Program (35 Ill. Adm. Code 732), the Site Remediation Program (35 Ill. Adm. Code 740), and the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742). The IEPA also may propose related amendments to the Site Remediation Program and IUST regulations (items (aa) and (bb) above).

B) Statutory authority: Implementing and authorized by Sections 27, 57.14 and 58.5 of the Environmental Protection Act (415 ILCS 5/27, 5/57.14 & 58.5).

C) Scheduled meeting/hearing dates: Hearings will be held in accordance with the requirements established by Sections 27 and 28 of the Act (415 ILCS 5/27 & 28) and are planned for late Summer and early Fall.

D) Date agency anticipates First Notice: The Board anticipates going to First Notice with these amendments in the Fall of 2000, after initial hearings have been held on the amendments.

E) Effect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates a site participating in corrective action or which participates in corrective action under the TACO rules.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows, referencing docket number R00-19:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning R00-19 as follows:

Amy Jackson, Attorney
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-524-8507
jacksona@pcb.state.il.us

G) Related rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Part 742. The IEPA has stated that it may propose related amendments to the IUST rules (35 Ill. Adm. Code 732) and the Site Remediation Program rules (35 Ill. Adm. Code 740) (see items (aa) and (bb)

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Remediation Program must be accredited under 35 Ill. Adm. Code 186.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

G) Related Rulemaking and other pertinent information: The Illinois EPA has proposed amendments to the TACO (35 Ill. Adm Code 742) regulations (see item (cc) below) and may propose amendments to the IUST regulations as soon as July 2000. For information regarding the development of these amendments please contact:

Mark Wight
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

cc) Part(s) (Heading and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: Docket number R00-19

A) Description: The Illinois Environmental Protection Agency (IEPA) has filed a rulemaking proposal for filing before the Board that would amend the Tiered Approach to Corrective Action Objectives (TACO) rules. Since the Board adopted the TACO rules on June 5, 1997, the IEPA's implementation of the rules has demonstrated the need for some amendments, corrections, and clarifications to existing rules to insure consistency across the programs. The primary purpose of the amendments would be to correct mistakes and omissions, clarify ambiguities, and ensure consistency across the regulations for the Leaking Underground Storage Tank (LUST)

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above). For information regarding the development of these amendments please contact:

Kimberly A. Geving
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217-782-5544

dd) Part(s) (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R01-2

A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved docket number R01-2 to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period January 1, 2000, through June 30, 2000. At this time, the Board is not aware of any amendments to the federal RCRA Subtitle D MSWLF regulations. The Board will verify the existence of any federal actions and the Board action required in response to each in coming weeks, by about mid-August 2000. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF rules using the identical-in-substance procedure or disallow docket R01-2, as necessary and appropriate.

Section 22.40(a) mandates that the Board complete its amendments within one year of the date on which USEPA adopted its action upon which the amendments are based. In docket R01-2, if

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earliest federal amendments in the applicable period is assumed to have occurred on July 1, 2000, the nominal due date would be July 1, 2001.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-August 2000, after which time the Board will propose any amendments to the Illinois RCRA Subtitle D MSWLF rules that are necessary in response to the federal amendments that have occurred. If the due date for Board adoption of amendments in this docket is assumed to be July 1, 2001, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the Illinois Register by late-September 2000. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R01-2, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R01-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

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312-814-6924
mccamm@pcb.state.il.us

- G) Related rulemakings and other pertinent information: No other presently-known proceedings would affect the text of Parts 807, 810, 811, 812, 814, or 815. Section 22.40(a) of the Environmental Protection Act 58415 ILCS 5/22.40(a)SD provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ee) Part(s) (Heading and Code Citation): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

- 1) Rulemaking: No docket presently reserved

A) Description: Since the Board rules were adopted on May 10, 1991, the IEPA's implementation of the rules had given rise to the need for some amendments and corrections to better implement the used and waste tire management program.

B) Statutory Authority: Sections 27 and 55.2 of the Act [415 ILCS 5/27, 55.2]

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency Anticipates First Notice: The IEPA anticipates submitting its proposal to the Board in Fall or Winter 2000, after which time the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on Small Business, Small Municipalities or Not-for-Profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used and waste tires.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

POLLUTION CONTROL BOARD

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Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conley@pcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently-known proceedings would potentially impact Part 848. For information regarding the development of these amendments please contact:

M. Kyle Rominger
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

ff) Part(s) (Headings and Code Citation): Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)

- 1) Rulemaking: No docket presently reserved

A) Description: Amendments to this Part became necessary as a result of amendments to 35 Ill. Adm. Code 809. The amendments are not substantive in nature. They are merely to correct inconsistencies in cross-references that were created by amendments to Part 809.

B) Statutory Authority: Section 22.2(c) of the Environmental Protection Act [415 ILCS 5/22.2(c)]

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date Agency Anticipates First Notice: First notice is anticipated sometime in Summer or Fall 2000.

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- E) Effect on Small Business, Small Municipalities or Not-for-Profit Corporations: The IEPA does not anticipate that small business, not-for-profit corporations, or small municipalities will be affected by this rule.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently-known proceedings would potentially impact Part 955. For information regarding the development of these amendments please contact:

Kimberly A. Geving
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

- 99) Part (Headings and Code Citation): General Provisions (35 Ill. Adm. Code Part 900)

- 1) Rulemaking: No docket presently reserved

- A) Description: 35 Ill. Adm. Code Part 900 contains the general provisions to the Board's noise regulations. Section 900.103 sets forth the procedures to be used for measuring sound. Under that Section the procedures used must be substantial conformity with certain standards of the American National Standards Institute (ANSI). The ANSI standards referenced in Section 900.103, however, are now outdated. The proposed amendments will update the references to current ANSI standards.

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- B) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/25, 27).

- C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act (415 ILCS 5/27, 28) possibly in Summer or Fall of 2000.

- D) Date Agency Anticipates First Notice: A Summer or Fall 2000 IEPA submittal of the Proposal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Effect on Small Business, Small Municipalities or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's noise regulations.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

- G) Related Rulemaking and other pertinent information: The IEPA plans to repeal its own rules at 35 Ill. Adm. Code Parts 951 and 952. Those Parts set forth measurement procedures adopted pursuant to 35 Ill. Adm. Code 900.103, and are therefore based upon outdated ANSI standards. Amendments to 35 Ill. Adm. Code Part 901 are also anticipated. For information regarding the development of these amendments please contact:

M. Kyle Rominger
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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(217) 782-5544

hh) Part(s) (Headings and Code Citation): Sound Emission Standards and Limitations for Property Line-Noise-Sources (35 Ill. Adm. Code Part 901)

1) Rulemaking: No docket presently reserved

A) Description: 35 Ill. Adm. Code Part 901 contains the standards for allowable sound levels from property line noise sources. 35 Ill. Adm. Code 901.104 contains limits for impulsive sound and requires sound to be measured with "fast dynamic characteristic" and therefore is inconsistent with 35 Ill. Adm. Code 900.103(b), which requires sound to be measured as "leq." Section 901.104 will be amended to comply with the requirements of Section 900.103(b).

B) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/25 and 5/27).

C) Scheduled Meeting/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act (415 ILCS 5/27, 5/28), possibly in Summer or Fall of 2000.

D) Date Agency Anticipates First Notice: A Summer or Fall 2000 IEPA submittal of the proposal to the Board is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on Small Business: Small Municipalities or Not-for-Profit Corporations: The amendments may affect any small business, small municipality or not-for-profit corporation subject to the Board's noise regulations.

F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board

POLLUTION CONTROL BOARD

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600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

G) Related Rulemaking and other pertinent information: The IEPA plans to repeal its own rules at 35 Ill. Adm. Code Parts 951 and 952. Those Parts set forth measurement procedures adopted pursuant to 35 Ill. Adm. Code 900.103, and are therefore based upon outdated ANSI standards. Amendments to 35 Ill. Adm. Code Part 900 are also anticipated. For information regarding the development of these amendments please contact:

M. Kyle Rominger
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

ii) Part(s) (Headings and Code Citations):

General Provisions (35 Ill. Adm. Code 1420)
Activity Standards (35 Ill. Adm. Code 1421)
Design and Operation of Facilities (35 Ill. Adm. Code 1422)

1) Rulemaking: No docket presently reserved

A) Description: 35 Ill. Adm. Code Subtitle M, Parts 1420, 1421, and 1422, are the rules for Potentially Infectious Medical Waste (PIMW). Through administration of these rules, the IEPA has identified a need for the disposal outside of the municipal waste stream of household medical waste, including sharps, generated from home health care. One approach under consideration is to exempt from the transfer station permit requirement doctors' offices, hospitals and pharmacies that accept household-generated medical wastes for transfer to disposal facilities. The permit requirement may be replaced with a requirement for registration with the IEPA. Certain other provisions are in need of clarification. However, it is not clear at this time whether each of the three Parts will need to be amended.

B) Statutory Authority: Sections 27 and 56.2(f) of the Act [415 ILCS 5/27, 56.2(f)]

C) Scheduled Meeting/Hearing Dates: The IEPA presently anticipates that it will file a rulemaking proposal in Fall 2000. No meetings or hearings are scheduled at this time. Once the

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proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Sections 27 and 28 of the Act. [415 ILCS 5/27, 28].

- D) Date Agency Anticipates First Notice: An IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in Fall 2000, after which time the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

- E) Effect on Small Business, Small Municipalities, or Not-for-Profit Corporations: This rule may affect any small business, small municipality, or not-for-profit corporations that dispose PMW. The IEPA anticipates that the changes contemplated would not have a significant effect. Exempting medical providers from the transfer station permit requirement if they accept household-generated waste for transfer to disposal facilities would assist such providers in performing a community service by reducing the associated regulatory burden. The clarifications being considered would not substantively change the existing requirements.

- F) Agency Contact Person for Information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Erin Conley, Rules Coordinator
Pollution Control Board
600 S. Second St., Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@pcb.state.il.us

- G) Related Rulemaking and other pertinent information: No other presently-known proceeding would potentially impact Parts 1420, 1421, and 1422. For information regarding the development of these amendments please contact:

M. Kyle Rominger
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

POLLUTION CONTROL BOARD

JULY 2000 REGULATORY AGENDA

(217) 782-5544

DEPARTMENT OF TRANSPORTATION

JULY 2000 REGULATORY AGENDA

18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 311
Springfield, Illinois 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Motor Carrier Safety Regulations General; 92 Ill. Adm. Code 390

1) Rulemaking:

A) Description: Among other things, the definition of "North American Uniform Out-of-Service Criteria" is being amended to clarify that, in Illinois, only qualified officers of the Illinois State Police and the federal government have the authority to enforce out-of-service criteria.

B) Statutory Authority: Implementing, and authorized by, Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities or not-for-profit-corporations: This amendment will affect small businesses that own or operate commercial motor vehicles in Illinois.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JULY 2000 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Safety Fitness Procedures; 92 Ill. Adm. Code 385

1) Rulemaking:

A) Description: The Department will be establishing a rule that prohibits motor carriers who receive an unsatisfactory safety rating from the Federal Motor Carrier Safety Administration from operating the following commercial motor vehicles in Illinois: A commercial motor vehicle transporting hazardous materials in a quantity requiring placarding, and a commercial motor vehicle designed to transport more than 15 passengers, including the driver.

B) Statutory Authority: Implementing, and authorized by, Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: July 2000

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses that own or operate commercial motor vehicles in Illinois.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 311
Springfield, Illinois 62764
217-782-3215

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Procedures and Enforcement; 92 Ill. Adm. Code 390

1) Rulemaking:

A) Description: This Part will be amended to add to the criterion that is to be met when a Notice of Intent to Assess Civil Monetary Penalty is issued. The addition is being made to increase the likelihood that respondents will respond to the Notice of Intent.

B) Statutory Authority: Implementing, and authorized by, Sections

DEPARTMENT OF TRANSPORTATION

JULY 2000 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 2300 S. Dirksen Parkway, Room 311
 Springfield, Illinois 62764
 217-782-3215

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Hazardous Materials Transportation Regulations; 92 Ill. Adm. Code 107-180

1) Rulemaking:

- A) Description: The Department will be updating its rules on the transporting of hazardous materials to bring them into compliance with recent changes made to the federal rules.

- B) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

- C) Scheduled meeting/hearing date: None

- D) Date agency anticipates First Notice: August 2000

- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking affects small businesses that transport placarded hazardous materials.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 2300 S. Dirksen Parkway, Room 311
 Springfield, Illinois 62764
 217-782-3215

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554

1) Rulemaking:

- A) Description: The Department will be updating this Part to reflect policy changes made to the permit program.

DEPARTMENT OF TRANSPORTATION

JULY 2000 REGULATORY AGENDA

- B) Statutory Authority: Implementing, and authorized by, Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]

- C) Scheduled meeting/hearing date: None

- D) Date agency anticipates First Notice: October 2000

- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses will be impacted no differently than any other entity needing a permit.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 2300 S. Dirksen Parkway, Room 311
 Springfield, Illinois 62764
 217-782-3215

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 10, 2000 through July 17, 2000 and have been scheduled for review by the Committee at its August 15, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/23/00	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	2/25/00 24 Ill Reg 3128	8/15/00

Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-762-4414 or jralale@cgstate.il.us on the Internet.

PROPOSED

11-510-31
50-928-30
50-2008-30
50-3400-30
80-1540-31
83-4108-31
86-670-31
86-100-31
86-100-31
86-270-31
86-320-31
86-370-31
86-395-31
86-396-31
86-440-30
86-450-30
86-480-31
86-500-31
86-670-31
86-670-31
86-693-31
86-694-31
89-148-31
89-353-31

ADOPTED

44-1200-30
59-350-31
77-820-31
86-100-30
86-100-30
86-150-30

EMERGENCY

86-130-31
86-440-50
86-450-50

PEREMP-
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80-310-30

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